

# ACTS

OF THE

**CALLED SESSION, 1862,**

AND OF THE

**SECOND REGULAR ANNUAL SESSION**

OF THE

**GENERAL ASSEMBLY OF ALABAMA,**

HELD IN THE

**CITY OF MONTGOMERY,**

COMMENCING ON THE

**27TH DAY OF OCTOBER AND SECOND MONDAY IN NOVEMBER, 1862.**

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**JOHN GILL SHORTER, Governor.**

**WALTER H. CRENSHAW, Speaker of House of Representatives.**

**R. M. PATTON, President of the Senate until Nov. 10, 1862.**

**J. M. CALHOUN, President of the Senate.**

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**MONTGOMERY, ALA.:**

**MONTGOMERY ADVERTISER BOOK AND JOB OFFICE.**

**1862.**

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# LAWS OF ALABAMA.

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## No. 1.] AN ACT

To amend the Revenue Laws of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following rules, as to the taxation of persons and property, are hereby established, to-wit:

Rules of taxation.

1. All lands subject to taxation must be taxed in proportion to their value.

2. Land belonging to citizens of the Confederate States residing out of the State, cannot be taxed higher than land belonging to persons residing therein.

3. No tax can be imposed on land, the property of the Confederate States.

4. All navigable waters within the State are to remain forever public highways, free to the citizens of the State, and of the Confederate States, without any tax, impost, or toll thereon, imposed by the State.

5. The following persons and property are exempt from taxation:

6. All property belonging to the State, or any county thereof, or the State bank, or its branches.

7. All property of the Confederate States.

8. All property of literary, scientific and benevolent institutions, actually used for the purposes for which such institutions were created; not exempting, however, any of such property when invested in stocks, or employed in any other than the regular business of such institutions.

9. Houses of religious worship, and their appurtenances.

10. Places, and monuments of the dead, and implements of burial.

11. Agricultural and horticultural instruments, implements, vehicles and utensils, when kept for use.

12. The property of revolutionary soldiers and their widows, to the value of one thousand dollars.

13. The property of soldiers who served in the war of 1812, those who served in the Mexican war, those who served in the Florida war, and those now in, or who may hereafter be in the military service of, the Confederate States, or who shall, at the time of assessment, have received an honorable discharge from such service, and of the widows of all such, property to the value of one thousand dollars.

14. All insane persons, and their property, to the value of one thousand dollars.

Subjects & rates  
of taxation.

SEC. 2. *Be it further enacted*, That taxes are to be assessed by the assessor in each county on, and from, the following subjects, and at the following rates, to-wit :

Poll.

1. On every white male inhabitant between the ages of twenty-one and sixty, except those in the military service of the Confederate States, seventy-five cents.

Male free negroes.

2. On every male free negro, between twenty-one and fifty years of age, five dollars.

Female free negroes.

3. On every female free negro, between twenty-one and forty-five years of age, three dollars.

Real estate.

4. On all real estate, to be estimated at its real value in money, and not at forced sale, according to the best judgment the assessor can form by information, inspection, or otherwise, taking into consideration its location, whether in a town, city, or the country, its proximity to local advantages, its quality of soil, growth of timber, mines, minerals, quarries, fossils and improvements, excepting such as are herein separately specified and taxed, for each hundred dollars of the value thereof, and at that rate, twenty-five cents.

Slaves, except mechanics.

5. All slaves, except mechanics, tanners, shoe makers, or of some other trade, craft or occupation, which renders them of extra value, actually engaged in their trade, or those who, from unsoundness or other disability, are of less value than ordinary slaves of like age, shall be assessed as follows :



|   |                                     |           |
|---|-------------------------------------|-----------|
| 1 | On each slave under 5 years of age, | 50 cents. |
| 2 | “ “ “ between 5 & 10 “              | 75 “      |
| 3 | “ “ “ “ 10 & 15 “                   | 150 “     |
| 4 | “ “ “ “ 15 & 30 “                   | 200 “     |
| 5 | “ “ “ “ 30 & 40 “                   | 150 “     |
| 6 | “ “ “ “ 40 & 50 “                   | 100 “     |
| 7 | “ “ “ “ 50 & 60 “                   | 40 “      |

Mechanics, and others of extra value, actually engaged Mechanics. in their trade, and those who, from unsoundness or disability, are of less value than slaves of like age, shall be valued at whatever prices the assessors, from the best information to be obtained by them, may adjudge them to be worth; and upon such valuation there shall be assessed a tax of one-fourth of one per cent.

6. There is also to be assessed and collected, as a Slave fund. separate fund to pay for slaves executed for capital crimes, on each slave under ten years of age, one cent; and on each over ten, and under sixty years, two cents.

7. On all passes, canals, channels, and property of the like kind, estimated in the same manner as mills, &c., Passes, canals, channels, &c. on each hundred dollars of the real value of the property, twenty-five cents.

8. On all capital employed by agent, or otherwise, Capital or money at legal interest. in the way of loan, or trading in paper, at not more than the legal rate of interest, or in the regular exchange business, in or during the tax year ending on last day of February preceding the assessment, on each hundred dollars thereof, and at that rate, thirty-three and one-third cents.

9. On all money and debts purposely kept at interest, whether lent to, or in the hands of, persons, corporations, or companies, in or out of the State, whether the evidence of the debt is annually renewed or not, or whether running to maturity or past due, on which tax is not paid in some other form or manner to the State annually, there shall be assessed and paid, for each hundred dollars, thirty-three and one-third cents. Money and debts at interest

10. On all crops, or the proceeds thereof, loaned or kept at interest, there shall be levied and collected a Crops loaned or kept at interest. tax of thirty-three and one third cents on every hundred dollars so loaned or kept at interest.

11. On all money hoarded there shall be assessed Money hoarded and collected, on every hundred dollars, one dollar; and under the term hoarded shall be embraced all money withheld from circulation, as well as all money de-

posited out of the State, money lent out of the State at a less rate of interest than five per cent per annum, and all money on hand: *Provided*, that money kept on hand exclusively to purchase family supplies, not to exceed the amount necessary for one year, shall not be considered as money hoarded.

Capital or money  
at greater than  
legal interest.

12. On all capital employed, by agent or otherwise, in or during such year, in the way of loan or dealing in paper, at a greater rate than the legal rate of interest, on each hundred dollars, and at that rate, one dollar; and all bills, notes, checks, certificates of deposit, or other issues, credits of any corporation, company, partnership, or individual, either in or out of the State, used or employed in the way of loan, dealing in paper, or in a regular exchange business, is regarded as capital under this section, and must be assessed as if gold or silver was used or employed.

Jewelry, plate,  
furniture, &c

13. On each hundred dollars worth, and at that rate, of all jewelry, plate, household furniture, ornaments, whether kept for use, sale, or otherwise, over the value of two hundred dollars, except family portraits, fifty cents.

Vehicles.

14. On all vehicles kept for use, and not exempt from taxation, on each hundred dollars of the value, and at that rate, fifty cents.

Neat cattle.

15. On each head of neat cattle, over twenty-five head, one cent.

Horses & mules.

16. On all horses or mules kept principally for the saddle or harness, stud horses and jacks, on every hundred dollars of the value, and at that rate, one dollar.

Race horses.

17. On all horses which, in or during the tax year preceding the assessment, have been entered, trained or run, five dollars.

Capital stock of  
corporations.

18. On all corporations created under any law of this State, except rail roads, and not exempt from taxation, on each hundred dollars of their capital stock actually paid in, and belonging to persons not exempt from taxation, fifty cents; but such corporation is exempt from tax (if it pays a tax) upon its separate property, equal, at its cost value, to the amount of such capital stock, and so *pro rata* in the proportion which its property, separately taxed, bears to the amount paid of its capital stock.

Auction sales.

19. On the gross amount of all auction sales made in or during the tax year preceding the assessment, except those made by executors, administrators and guar-

dians, as such, by order of court, or under legal process, and under any deed, will, or mortgage, on every hundred dollars, and at that rate, ten dollars; except on cargo sales of imported goods, which shall be two dollars on every hundred dollars.

20. On the gross amount of premiums (after deducting therefrom all return premiums) received from their business in this State, during such tax year, by any insurance company not chartered by this State, and doing business herein, by agent or otherwise, on every hundred dollars, and at that rate, two dollars: one-half of which goes to the county where the agency is located or doing business, and the other half to the State. Insurance premiums.

21. On every pack, or part of a pack of playing cards sold, by wholesale or retail, or otherwise disposed of or used, during such tax year, one dollar. Playing cards.

22. On every article, piece of property, or sum of money, put up or disposed of by raffle, in such tax year, on each hundred dollars of the amount at which the same is put up, and at that rate, ten dollars; to be assessed against the person in possession of the house in which the raffle is had; and if no house, then against the person making up such raffle, or the owner of the article or property. Raffles.

23. On each gold watch kept for use in such tax year, by male or female, one dollar. Gold watches.

24. On every gold safety, vest, or fob chain, silver watch, or clock, kept for use in such tax year, fifty cents. Gold chains, silver watches and clocks.

25. On all lawyers, surgeons, physicians, and dentists, who have been three years at the practice, ten dollars; or at their option, on each hundred dollars of their income derived from such profession, during such tax year, and at that rate, fifty cents. Professional incomes.

26. On every legacy, where letters testamentary have not been taken out in this State, received by any person other than the child, adopted child, grand-child, brother, sister, father, mother, husband or wife, and on all property given by deed, or otherwise, to any such person, on each hundred dollars of the amount or value thereof, and at that rate, to be assessed to the beneficiary, guardian, trustee, or legal representative, five dollars. Legacies.

SEC. 3. *Be it further enacted,* That there shall be assessed and collected a tax of five per cent. upon all net profits derived during the year ending on the last day Net profits of sales.

of February, 1863, from the sale, whether at auction or by private sale, of all liquors, groceries, breadstuffs, meats, salt, grains, provisions, leather, hides, shoes, tobacco, cotton, horses, mules, negroes, beef cattle, hogs, bagging, rope, guns, pistols, powder, shot, lead, percussion caps, candles, cigars, jewelry, gold and silver plate, and plate of other sorts, snuff, fruit, confectioneries, drugs, medicines, dye-stuffs, hardware, queensware, earthenware, cutlery, and all other kinds of merchandize or commodities sold during said year, which may have been obtained by purchase or barter, whether such purchase or barter was made before or after the first day of March, 1862; and on each free bank of this State, including the Savings Bank of Mobile, on each hundred dollars of its stock there shall be assessed and collected a sum equal to thrice the amount of the tax levied on land. There shall also be assessed and collected a tax of five per cent. on the net profits of agents, brokers, or factors for the purchase or sale of cotton or other articles of merchandize, either on domestic or foreign account; also, on commissions of auction sales of any of the articles herein enumerated: and whenever goods, wares, merchandize, or property of any kind enumerated in this section, is the property of non-residents of this State, and sold at auction in this State, the same shall be subject to a tax of two per cent.; and the auctioneer selling such goods shall be held liable to pay the same under the penalties herein prescribed in other cases. And in estimating the profits under this section, it shall be done in reference to the original price paid to the producer or manufacturer, or paid by the importer, adding in all cases the expense of transportation, insurance, exchange, and all other *bona fide* expenses.

Net profits of  
incomes.

SEC. 4. *Be it further enacted*, That there shall be assessed and collected a tax of five per cent. on the net profits derived during the year ending on the last day of February, 1863, from all rail roads, steam boats, omnibuses, stage coaches, hacks, warehouses, drays, saw, grist, and other mills, distilleries, breweries, tanneries, foundries, forges, hotels, restaurants, establishments for manufacturing or repairing shoes, harness, hats, carriages, wagons, guns, pistols, pikes, bowie knives, establishments for manufacturing iron, woolen and cotton goods, cotton yarns, or for carding and spinning woo

or cotton, mining, quarrying, working marble, and all other kinds of manufacturing establishments, presses for compressing cotton, printing establishments, cotton pickeries, wharves, toll bridges, ferries, and livery stables; also a tax of five per cent. upon the net profits realized by any express company, telegraph and gas companies, brokers and dealers in exchange.

SEC. 5. *Be it further enacted*, That in estimating the net profits under the preceding section, it shall be done in reference to the amount of capital actually invested and necessarily employed, and shall include the profits on sales and re-sales, made directly or indirectly, either in or out of this State.

How net profits are to be estimated.

SEC. 6. *Be it further enacted*, That no tax shall be assessed and collected upon the capital employed in any business the net profits of which are taxed by any law of this State, except on capital employed in tanneries, and establishments for manufacturing woolen or cotton goods, cotton yarns, or in the manufacture and sale of shoes, or invested in steam boats.

When net profits are taxed, no tax on the capital.

Exception.

SEC. 7. *Be it further enacted*, That upon all notes or bills, drafts, orders, checks, certificates of deposit, or paper of any kind or form, heretofore emitted without the authority of the law of Alabama, by and on behalf of, or for the benefit of any resident of this State, or on the behalf of, or for the benefit of any corporation created by or under any law of this State, or doing business in this State, or on behalf of, or for the benefit of any individual or partnership in this State, to answer the purposes of money, or for circulation as money or change bills, whether made or emitted in or out of the State, there shall be assessed and collected on the amount of all such notes, bills, drafts, orders, checks, certificates of deposit, or paper money of any kind or form, so emitted or put into circulation, a tax of two and one-half per cent. for the tax year ending on the last day of February, 1863; and for each tax year thereafter, there shall be assessed and collected a tax of fifteen per cent. upon such amount as may be outstanding and unredeemed at the commencement of such tax year: *Provided, however*, That every kind of paper referred to or mentioned above in this section, emitted by any court of county commissioners, or any municipal corporation in this State, shall be exempt from taxation.

Change bills or Shuplasters for year to March 1863.

For each year thereafter.

Proviso as to those issued by Commissioners' Courts and Municipal Corporations.

SEC. 8. *Be it further enacted*, That the establishment of the rates of taxation in the preceding section shall be a repeal of all penalties and penal laws as to every kind and form of paper in said section embraced, which has heretofore been made and emitted, but shall not be a repeal of any existing law as to any such paper hereafter made and emitted, or which may be hereafter re-issued: *Provided*, The benefits of this section shall not apply to any party who fails, on presentation, to redeem any kind or form of paper herein embraced.

Repeal of certain penalties.

Proviso.

SEC. 9. *Be it further enacted*, That upon all cotton hereafter planted and gathered, there shall, for each year, be assessed and collected on each pound of seed cotton, over and above twenty-five hundred pounds of seed cotton, made and gathered during the tax year, to every full hand employed in raising and gathering the same, by any one party, or on any one plantation or farm, a tax of ten cents per pound for every pound of excess over and above twenty-five hundred pounds to each full hand employed in raising and gathering the same; or if the crop be ginned, then every pound of ginned cotton shall be estimated as equal to four pounds of seed cotton: *Provided*, That no tax shall be imposed on any cotton planted after the proclamation of the governor announcing that peace has been made between the Confederate States and the United States, or that the blockade of the ports of the Confederate States has been removed.

Cotton planted and gathered hereafter.

Proviso.

SEC. 10. *Be it further enacted*, That upon profits under contracts with parties who, by reason of such contracts, are released and exempted from military service in the army of the Confederate States, there shall be assessed and collected a tax of ten per cent. And upon all wages or salaries of persons who, by reason of any engagement, appointment, or contract in any department of the Confederate Government are exempted from conscription, ten per cent. on such wages or salary.

Profits under Confederate contract.

Wages or salaries of Confederate employees.

SEC. 11. *Be it further enacted*, That all persons engaged in any business, or pursuit, the receipts, sales, profits, commissions and salaries of which, or capital employed in which, are subject to assessment and taxation under the provisions of this act, shall furnish a written statement, under oath, of such receipts, sales, salaries, commissions, profits or capital, to the assessor;

Written statements under oath.

and any person willfully failing or refusing to do so shall be guilty of a misdemeanor, and on conviction thereof must be fined not more than two thousand dollars, and may be imprisoned not more than one year, one or both, at the discretion of the jury trying the case.

SEC. 12. *Be it further enacted*, That to enable the assessors more fully and thoroughly to carry out the provisions of this act, and other laws of the State, on the subject of revenue, they are hereby authorized and empowered to examine any other person on oath as to the correctness of any list of assessment that may be rendered, or as to the correctness of the valuation of any property assessed; and it is made the special duty of assessors to inquire into the correctness of all lists of assessment rendered, as well as the fairness of the valuation under every assessment, and whenever he shall have reason to suspect that either the one or the other has not been correctly and fairly given in, he shall call in such persons as are likely to know as to the correctness of the assessment, or fairness of the valuation, and examine them on oath in relation to such assessment, or valuation; and any person refusing to be examined, or withholding any information on such examination, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than five hundred dollars, at the discretion of the jury trying the case.

Authority conferred on Assessors.

SEC. 13. *Be it further enacted*, That it is hereby made the duty of the comptroller to see that the assessment of taxes on steamboats and other water crafts, wharves, toll bridges, ferries, turnpikes, foundries, &c., is duly observed and executed, and for this purpose he may appoint an agent, or attorney, in any of the principal cities or towns, or any other prominent point in the State, and allow to such attorney, or agent, a fair compensation for his services. It shall also be his duty to inquire into and correct past omissions to assess and collect the tax on the items above named in this section.

Duty of Comptroller as to taxes on Steamboats, &c.

Further duty.

SEC. 14. *Be it further enacted*, That it shall be the duty of the commissioners' courts of the several counties to revise and compare the assessment list, and if, in their opinion, there is any omission, discrepancy, irregularity, or error in the assessment, or valuation of pro-

Commissioners' Court to revise and compare.

perty, profits, or salaries, they shall, so far as to any such supposed omission, discrepancy, irregularity or error, direct a re-assessment to be made, either by the assessor or such other person or persons as they may deem most suitable and competent.

Penalty for incorrect list.

SEC. 15. *Be it further enacted*, That if any person shall fail or refuse to render to the assessor of the proper county a correct list or statement of all property and profits, including salaries subject to taxation, or shall otherwise evade, or attempt to evade, a compliance with the revenue laws of this State, he or she shall be guilty of a misdemeanor, and on conviction fined and imprisoned, one or both, at the discretion of the jury trying the case: one-half of any fine imposed under the provisions of this section shall be paid to any person informing the grand jury of the offense, and such informer shall be a competent witness in all trials against such offenders.

Valuation to be on basis of the paper currency.

SEC. 16. *Be it further enacted*, That the ascertainment of all values and amounts under the revenue laws of this State shall be upon the basis of the paper currency receivable in payment of taxes at the time the assessment is made.

Comptroller to distribute blank forms.

SEC. 17. *Be it further enacted*, That it shall be the duty of the comptroller of public accounts to have printed and distributed, to the assessors and collectors of the several counties of this State, blank forms setting forth each item of taxation, and that each party giving in any property or item subject to taxation shall give in the same in the form prescribed in the assessment list, subscribed and sworn to; all of which lists shall be filed in the office of the judge of probate.

Collector to fill up a blank for each tax-payer.

SEC. 18. *Be it further enacted*, That the collector shall fill up a blank for each tax payer, setting forth the items on which he pays tax, according to assessment, and that he receipt the same; and upon the failure of any assessor or collector to comply with the provisions of this, or the preceding section, he shall be guilty of a misdemeanor, and on conviction fined at the discretion of the jury trying the case.

Penalty for failing

Duty of Commissioner of Land Office.

SEC. 19. *Be it further enacted*, That it shall be the duty of the commissioner of the land office annually to furnish the comptroller of public accounts with a statement of the number of acres of land sold and entered in the State—shewing the number of acres in



each county; also, the number of acres of land unsold in the State, and the number of acres belonging to or reserved for railroads in the State; shewing also the number of acres vacant and the number belonging to or reserved for railroads in each county.

SEC. 20. *Be it further enacted*, That it is hereby made the duty of the comptroller of public accounts, in his annual report, to show the number of acres of land subject to taxation in the State, the number of acres taxable in each county, and the number actually assessed and paying tax in each county; also, the quantity of vacant lands in the State, the quantity belonging to or reserved for railroads in the State, as well as the quantity of each class in the several counties of the State.

Comptroller in annual report must show, &c.

SEC. 21. *Be it further enacted*, That the tax year shall be the year ending on the last day of February in each year.

The tax year.

SEC. 22. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed; and that all laws and parts of laws not in conflict therewith be, and the same are, hereby continued in force, and shall be embraced in any compilation of the laws on the subject of revenue that has been, or may be, provided for by any act of this general assembly.

Certain laws repealed.

Other laws continued in force.

SEC. 24. *Be it further enacted*, That the following taxes and licenses shall be assessed and collected by the judge of probate, to-wit:

Taxes and licenses to be collected by Probate Judges.

1. On every legacy subject, under the provisions of this act to assessment, left by any will, on which letters testamentary are taken out in this State, there must be assessed and collected, by the judge of probate of the county in which such letters are taken out, on every hundred dollars, and at that rate, of the value or amount, five dollars; and if not paid on the receipt of such legacy, such judge must issue execution for the amount of such assessment, against the executor, or administrator, and his securities, to be collected and returned as other executions from the probate court.

Legacies.

2. On each lecture, to which entrance fees are charged, four dollars; if not paid to the judge of probate on demand, the lecturer to be brought before such judge, and fined ten dollars for each lecture he has failed to pay for on demand.

Lectures.

Certificate under  
official seal.

3. On each certificate, under their official seal, except for the benefit of a soldier, or his family, and on all licenses, except marriage licenses, the judge of probate must collect a tax of fifty cents.

Licenses.

4. Licenses are to be granted and issued on the payment of the following sums as State tax, the county tax thereon, and fees:

Retail.

5. To retail, for one year, spirituous or vinous liquors, on any steamboat or water craft, one hundred and twenty dollars; in a city, or town having more than one thousand inhabitants, one hundred and fifty dollars; in a city, town or village having more than five hundred, and less than one thousand inhabitants, eighty dollars; in cities, towns and villages having less than five hundred inhabitants, sixty dollars; and in the country, forty dollars.

Auctioneers.

6. To carry on the business of an auctioneer throughout the State, for one year, forty dollars.

Daguerreotyp-  
ists, &c.

7. To practice or carry on the business, for one year, of a daguerreotypist, ambrotypist, photographer, or any modification, or improvement, or form thereof, in taking pictures, either on glass, paper, metal, or in any other way, by whatsoever name they may be known, or may call themselves, at one station in the county, or in a village not having more than five hundred inhabitants, ten dollars; in towns with not more than four thousand inhabitants, fifty dollars; to practice the art generally, anywhere in the State, one hundred dollars.

Dentists.

8. To carry on the business of dentistry, by any transient dentist, who has not been a resident of the State for twelve months, for one year, throughout the State, one hundred dollars.

Billiard tables.

9. To keep a billiard table for public play, for one year, one hundred and fifty dollars; at a watering place, for six months, seventy-five dollars; but if used for a longer time than the six months, under any pretence, the owner or proprietor of the table shall be liable to indictment in the same manner as if no license had been granted.

Bagatelle.

10. To keep a bagatelle table for public play, for one year, twenty dollars.

Ten-pin Alley.

11. To keep a ten-pin alley, or alley of the like kind, for public play, for one year, forty dollars; at a watering place for six months, twenty dollars; but if used

for a longer time than six months, the same penalty is imposed as for a billiard table.

12. To keep any other table, stand or place, for any other game or play, with or without a name, for one year, unless for exercise or amusement only, and not prohibited by law, twenty dollars. Any other table, stand or place.

13. To keep a public race track, for one year, on every hundred dollars, and at that rate, of the gross annual income, as near as the same can be ascertained, ten dollars; but in no case less than fifty dollars. Public Race track.

14. For theatres in a city, two hundred dollars; in a village or watering place, sixty dollars for one year. Theatres.

15. For concerts or musical entertainments for profit, for each, ten dollars. Concerts.

16. To exhibit, for profit, any museum, wax works, menageries, or curiosities of any kind, except paintings and statuary, on each day's and night's exhibition, twenty dollars. Museums, Menageries, &c.

17. To exhibit dwarfs, persons of unusual size, or persons or animals deformed, throughout the State, for any one day, fifty dollars; but not to exceed two hundred dollars for any number of exhibitions in the same place, on consecutive days, exclusive of Sundays. Exhibitions of Dwarfs, &c.

18. For the exhibition of a circus, feats of activity, and sleight of hand, for each exhibition, not exceeding twenty-four hours, twenty dollars. Circuses, &c.

19. To peddle for one year, on any one steamboat or water craft, one thousand dollars; in a wagon, for each wagon in a county, one thousand dollars; for each horse in a county, five hundred dollars; on foot in each county, three hundred dollars for each person. Peddling.

20. For exhibiting spirit rappings, spiritual manifestations, or other device, by whatsoever name called, which professes to reveal communications from the spirits of the living or the dead, for profit or otherwise, five hundred dollars for each day they shall exhibit. Spirit-rapping, &c.

21. To sell, offer, or expose for sale, by a negro trader, broker or agent, for the sale of slaves, twenty dollars on each slave; but this tax is not to be imposed on such slaves as may be sold on commission for citizens of this State, when the owner or owners, or any one of them, or the auctioneer, broker or agent, will make affidavit in writing, to whom such slaves belong, that such owner or owners of such slaves are residents of this State, and have owned such slaves for more than Offering for sale of slaves.  
As to residents.

License must set forth.

one year immediately preceding such sale, offer, or exposure for sale, and upon which slaves the regular State and county taxes for the year in which such property may be sold, shall have been paid before such sale; but shall in no case apply to any slaves owned by any trader, broker or auctioneer, or other person selling slaves on speculation, or as a business. The license to authorize the sale, offer, or exposure for sale, in any county of the State, must set forth the name and description of the slaves, except in the case of small children having no name, which must be described by their ages.

License declared to be for one year.

22. All licenses, unless otherwise declared by law, must be for one year, and confined to the county in which they are granted; and when issued for retailing, keeping billiard tables, ten-pin alleys, or alleys of the like kind, or any stand, table, or place for any other game or play, to one place only in the county; and in all cases to the person alone to whom the license is granted; and it is hereby expressly made the duty of the judge of probate of each county, by himself or agent, to inquire of every person doing, or offering to do, any business for which a license is required, and ascertain whether the law has been complied with, and if not, to cause the person to be bound over to court.

Without license, the penalty.

23. If any person does any act, engages in any business, keeps any table, opens any theatre, gives any concert, exhibition, or performance, specified in this act as the subject of a license, or being a negro trader, broker, or agent for the sale of slaves, sells, offers, or exposes for sale any slave, without first obtaining a license therefor from the proper authority, he is guilty of a misdemeanor, and, on conviction, must be fined at the discretion of the jury trying the case; and if the conviction is for selling spirituous or vinous liquors without a license, the court may imprison the offender not exceeding sixty days.

Persons to exhibit license in certain cases.

24. In those cases in which a license is not confined to one county, it is the duty of the judge of probate to require of the person following the business, or doing the act, to exhibit his license; and on his failure so to do, or if he has any reason to suppose that such person has violated the provisions of this section, such judge must at once issue his warrant to any sheriff, or constable, and cause such person to be brought before him,

Penalty for failing.

and bound over to the next circuit court of the county in a sum equal at least to double the amount of the license money; and failing to give security, he must be committed to jail until such security is given, or he is otherwise discharged by law; but if such person, on being brought before such judge of probate, pays the amount of license money, county tax, fees, and all costs, he may be discharged.

25. The judge of probate of each county must, on the first day of each circuit court, furnish to the foreman of the grand jury a statement in writing, showing the licenses granted under this act, within two years preceding such court, to whom, and for what, such license was granted; and failing so to do, on conviction, must be fined not less than one hundred dollars.

Probate Judge  
must furnish to  
Grand Jury.

APPROVED, Dec. 9, 1862.

No. 2.]

## AN ACT

To amend an act, approved Dec. 7, 1861, entitled an act, to exempt from taxation a certain amount of property of volunteers, and the widows of deceased volunteers.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act to exempt from taxation a certain amount of property of volunteers and the widows of deceased volunteers, approved December 7th, 1861, be and the same is hereby amended, by striking out the word "volunteers" whenever it occurs, and inserting in lieu thereof the word "soldiers."

"Soldiers" for  
"Volunteers."

Approved, November 17, 1862.

No. 3.]

## AN ACT

To authorize the Courts of County Commissioners of the different counties of this State to levy a tax for the support of indigent families of soldiers and other purposes.

SEC. 1. *Be it enacted by the Senate and House of Repre-*

Unit of tax.

*representatives of the State of Alabama in General Assembly convened*, That the courts of county commissioners of the different counties of this State are hereby authorized and empowered to levy a tax not exceeding one hundred per cent. upon the State tax, in the discretion of the said courts, for the purpose of supporting, maintaining and providing for the wants of the indigent families of soldiers absent in the army of the Confederate States, the same to be applied and distributed by the said courts respectively as they may order and provide.

Form of levies legalized.

SEC. 2. *Be it further enacted*, That all and every tax which may have been assessed and levied, and any appropriation heretofore made by any court of county commissioners in this State for the purpose specified in the first section of this act. be and the same is hereby legalized and made valid, as if the same had been done in pursuance of law existing at the time of making the same.

Approved November 8, 1862.

No. 4.]

## AN ACT

To repeal the tax on County Seals in certain cases.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the tax on county seals authorized by section 396 of the Code of Alabama, be and the same is hereby repealed as to seals upon applications by non-commissioned officers and privates, or their representatives for pay on account of military services, or on application to extend furloughs.

Approved December 2, 1862.

No. 5.]

## AN ACT

To prevent Extortion.

SEC. 1. *Be it enacted by the Senate and House of Repre-*

*sentatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act it shall be required of every person or persons, or association of persons, who may buy, barter or trade for any bacon, beef, pork, corn, meal, flour, salt, sugar, molasses, leather, shoes, hides, cloth, spun yarns, or any goods, wares or merchandize of any description (except drugs and medicines) in this State, for the purpose of sale or speculation, to give in the same to the tax assessor of his county on oath what he, she or they paid for such article or articles, and what the gross sale of the same was made at; whereupon, it shall be the duty of said assessor to assess the whole amount of the nett profits of said sale, except fifteen per cent. on the amount paid for such article or articles, and enter the same on his appraisement book, which shall be collected as other taxes are now collected; *Provided*, this act shall not be so construed as to include any live stock bought and sold.

Articles.

Given in to assessor.

Duty of assessor.

Per cent.

Provide.

SEC. 2. *Be it further enacted,* That if any person, not being a citizen of this State, shall buy, barter for sale, or get possession of any of the above-named articles within this State, for sale or speculation either in or out of this State, he shall be guilty of a misdemeanor, and it shall be the duty of justices of the peace in the election precinct in which the offence is committed, upon information, to issue his warrant against the said party so offending, and bind him over to the next circuit court to answer such charge against him, and if found guilty shall be fined in any sum or imprisoned any length of time at the discretion of the court trying the same.

As to non-residents.

Offence.

To be bound over.

SEC. 3. *Be it further enacted,* That if any person or persons, or association of persons, shall neglect or refuse to give in his, her, or their tax as required by the first section of this act, it shall be the duty of the said assessor to assess a double tax upon such person or persons, or associations of persons, from the best information he can obtain.

As to those who refuse.

Double tax.

SEC. 4. *Be it further enacted,* That any person who shall knowingly give in an improper or incorrect list of his purchases and sales, as required by the first section of this act, shall on conviction suffer all the pains and penalties inflicted for perjury.

Penalty for incorrect list.

SEC. 5. *Be it further enacted,* That during the present

Unlawful to purchase to sell in same place. war between the Confederate States and the United States, it shall not be lawful for any person to purchase and sell, or purchase for the purpose of selling or hoarding in the same market or neighborhood where purchased, any article or thing whatever used or consumed, or suitable to be used or consumed as food, shoes or clothing, (except raw cotton) or as material for the production or manufacture of either food, shoes or clothing of any kind or description whatever needed for the support and comfort of the inhabitants of this State, from any merchant, trader, huckster, producer or other person other than the person importing such articles in the State holding the same on sale in such market.

From whom purchased. Exception. SEC. 6. *Be it further enacted*, That for the period prescribed in the preceding section, it shall not be lawful for any person to sell, or cause to be sold, at auction, any of the articles of food, shoes or clothing, or materials therefor embraced in the preceding section; *Provided*, that the inhibition of this section shall not apply to judicial sales made in conformity to the requirements of the order or decree of any court of this State, or of the Confederate States, nor to any sale made by any trustee or mortgagee, under a power of sale *bona fide* conferred on him for the purpose of securing the payment of a debt or debts actually due and owing from the maker of the deed or mortgage conferring such power; and if any person shall violate or knowingly aid or abet in the violation of any of the provisions of this or the preceding section of this act, he shall be guilty of a misdemeanor, and on conviction shall be

Auction sales unlawful. Judicial sales excepted. fined in any sum not exceeding twenty thousand dollars, and be imprisoned in the county jail for any period not exceeding twelve months at the discretion of the jury trying the cause.

Pensly for violation. SEC. 7. *Be it further enacted*, That for each conviction under the provisions of this act, the attorney-general or solicitor shall be entitled to a fee of fifty dollars, to be taxed against the party convicted, and collected as other costs; *Provided*, the Governor by his proclamation may suspend the operation of this act as to all or any portion of the articles herein set forth whenever he thinks the interest of the people of the State demands it.

Fee for each conviction. Proviso.

Approved December 9, 1862.



No. 6.]

## AN ACT

To authorize a compilation of the Revenue Laws, and their publication in pamphlet form.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That immediately after the adjournment of the present session of the Legislature, or as soon thereafter as practicable, it shall be the duty of the Comptroller of Public Accounts, under the supervision and direction of the Attorney General, to collate and compile all the laws then in force upon the subject of the revenue of the State, properly arranged by divisions into chapters and sections, with side notes and index, so as to be most convenient for understanding and easy of reference. Comptroller with Attorney General to compile.

SEC. 2. *Be it further enacted,* That said revenue laws so compiled and arranged shall be printed in pamphlet or book form by the public printers, in the same style in which the acts of the legislature are required to be printed, with a paper cover and title page, and that six hundred copies thereof be delivered to the comptroller by the 10th day of February next, who shall immediately send by mail seven copies to each probate judge, one for each member of the court of county commissioners, the tax assessor and tax collector of his county, and one copy to each member and officer of the general assembly. Style of Printing.

Approved December 2, 1862.

No. 7.]

## AN ACT

To make appropriations for the fiscal year ending on the 30th day of September, 1863.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following sums of money be, and the same are hereby appropriated to be paid to the following persons, in the payment of claims against the State for the fiscal year ending on the 30th day of September, one thousand eight hundred and sixty three: Number of copies.

How distributed

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Executive and  
other officers.

To the governor of the State, four thousand dollars.

To the State treasurer, eighteen hundred dollars.

To secretary of state, sixteen hundred dollars.

To comptroller of public accounts, two thousand dollars.

To the superintendent of education, two thousand dollars.

To the commissioner of public lands, twenty-five hundred dollars.

To the supreme court reporter, twelve hundred dollars.

To pay salary of clerk in comptroller's office, one thousand dollars.

To the judges of the supreme court, each, four thousand dollars.

To pay salary of clerk in treasurer's office, seven hundred and fifty dollars.

To the judges of the circuit courts, each, two thousand dollars.

To the chancellors, each, two thousand dollars.

To the attorney general, four hundred and twenty-five dollars.

To the solicitors of the judicial circuits, each, two hundred and fifty dollars.

To the adjutants and inspector generals, four dollars a day for each day they shall be engaged in the actual duties of their office, not to exceed two hundred dollars, each.

To the quartermaster general, three hundred dollars.

To the State armorer, one hundred and fifty dollars.

To the keeper of the State-house, one hundred and fifty dollars.

To the private secretaries of the governor, fifteen hundred dollars.

To the marshal of the supreme court and State librarian, one thousand dollars, to be paid quarterly as other salaries.

To the principal secretary of the senate and the principal clerk of the house, each, seven dollars per day for each day of the extra and present regular session.

To the assistant secretary of the senate, and the assistant and engrossing clerks of the house, each, six dollars per day for each day of the extra and present regular session.

For the pay of such additional clerks as may be em-

ployed by the senate and house, six dollars per day, each, for the number of days so employed.

To the draughtsman in the public land office, twelve hundred dollars.

To the doorkéepers of the senate and house, each, five dollars per day.

To the messengers of the house, one dollar per day, each.

To the secretary of the senate and principal clerk of the house, each, for completing the journals of their respective houses, arranging and filing away papers in proper order for the next session of the general assembly, one hundred and fifty dollars.

To the secretary of state, for copying the journals of both houses, at the extra and present session, reading proof sheets and superintending the printing of the same, for placing marginal notes and preparing indexes to the laws and journals, and the distribution of the same, four hundred dollars.

For contingent expenses in the office of superintendent of education, nine hundred dollars.

SEC. 2. *Be it further enacted*, That the sum of one thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated for the purchase of stationery for the general assembly, executive and state offices, and judges of the supreme court, and the comptroller shall draw his warrant therefor on the presentation of an original voucher, with the certificate of the secretary of state that the same is correct. For stationery.

SEC. 3. *Be it further enacted*, That the sum of eight hundred dollars is hereby appropriated to pay for the distribution of the laws and journals of the extra and present sessions of the general assembly, and the comptroller of public accounts shall draw his warrant on the treasurer in favor of the several agents engaged in the distribution, upon their producing the certificate of the secretary of state, that the sums charged are according to contract, and that the services have been performed. For distribution of Laws & Journals.

SEC. 4. *Be it further enacted*, That the comptroller of public accounts is hereby authorized and required to draw his warrant on the State treasurer for the several sums of money herein appropriated, at the times payable by law, on the production of proper vouchers and receipts therefor. Duty of Comptroller.

Contingent fund  
appropriation.

SEC. 5. *Be it further enacted*, That the sum of fifty thousand dollars be, and the same is hereby set apart as a contingent fund, to meet extraordinary expenses and contingencies, to be drawn on the warrant of the governor.

APPROVED, Dec. 9th, 1862.

No. 8.]

## AN ACT

To pay the Members and Officers of the present General Assembly.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of thirty thousand dollars be, and the same is hereby appropriated out of any money in the treasury to pay the members and officers of the present general assembly.

APPROVED, Nov. 3d, 1862.

No. 9.]

## AN ACT

Making appropriations for the Military Defense of Alabama.

Governor to  
draw his order.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the governor be, and he is hereby authorized to draw his order on the auditor of the treasury, to defray the expenses of the Pay department, Quartermaster's department, Commissary department, Ordnance department and Medical department, to be paid out of the appropriations under the several acts "To provide for the public safety," "To provide for the defense of Mobile," and "For the defense of the northern part of this State," enacted at the late extra and present regular session, or out of any money in the treasury not otherwise appropriated.

How to be paid.

Approved, Dec. 9, 1862.

No. 10.]

## AN ACT

Authorizing the transfer of certain funds heretofore raised for special purposes to the General Fund of the State Treasury.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the entire amount of taxes, realized and collected, and yet to be collected, under and by virtue of the "act to provide for an efficient military organization of the State of Alabama," approved the 24th of February, 1860, except so much thereof as may already have been expended for the objects for which said taxes were levied; and also whatever balance of the fund raised under and by virtue of the "act to provide a fund for the aid of indigent families of volunteers absent in the army," approved the 11th of November, 1861, and not already embraced in, and disposed of by the apportionment made by the comptroller of public accounts for the object set forth in said act, be and the same are hereby transferred to, and made a part of the general fund of the state treasury, to be disposed of and used as are other moneys therein for general purposes.

Certain funds transferred.

Approved December 2, 1862.

No. 11.]

## AN ACT

To legalize certain acts of the Courts of County Commissioners of this State.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the appropriations of money, and orders and decrees of the courts of county commissioners of this State to levy any special tax for the support of indigent families of soldiers, and all orders, decrees and ordinances made by them, or any of them in good faith for that purpose, by borrowing the money or the issuance of bonds or county scrip therefor, be and the same are hereby legalized and declared valid.

What acts legalized.

SEC. 2. *Be it further enacted,* That in all cases when appropriations of such money shall have been made, or

Duty of court.

shall be made hereafter, it shall be the duty of the court to keep a full and complete account of record of the sums so raised, and the amount appropriated, with the names of persons to whom such relief has been distributed, when made, for what purpose, and record the evidence of such payment.

Receivable for  
county taxes.

SEC. 3. *Be it further enacted*, That all claims now outstanding against any of the counties of this State be receivable by the tax collectors of the respective counties in payment of taxes due said counties.

Approved November 7, 1862.

## No. 12.]

## AN ACT

To provide for the support of the Indigent Families of Soldiers in the Army of the Confederate States, from the State of Alabama.

Appropriation of  
two million dol-  
lars.

How appor-  
tioned.

How distributed.

Proviso.

One-fourth in re-  
serve.

Families of sub-  
stitutes not ben-  
eficiaries.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of two million dollars be and the same is hereby appropriated for the support of the indigent families of soldiers, who have heretofore entered, or may hereafter enter the military service of the Confederate States from the State of Alabama, to be apportioned by the comptroller of public accounts to the several counties of the State, according to the ascertained number of indigent families in each county, which shall be distributed under the directions of the court of county commissioners in such manner as to them shall seem most equitable and best promote the objects of this act, by the purchase and distribution of supplies or provisions as far as practicable, or payment of money in whole or in part, when impracticable to furnish provisions: *Provided*, That five hundred thousand dollars of the aforesaid sum be held in reserve by the comptroller, and not paid out unless one million and five hundred thousand dollars is found to be insufficient, but in the event the said sum of one million and five hundred thousand dollars proves to be insufficient, then the comptroller is hereby authorized and required to pay out the remaining sum of five hundred thousand dollars: *Provided*, That no family of any

substitute in the army shall be entitled to any of the benefits of this act: *Provided, however,* That the families of deserters from such military service are not to be entitled to any of the benefits of this act whilst such deserters are known to said court to be out of service:

*Provided, as to families of deserters.*

*Provided further,* That if any soldier who has heretofore entered, or may hereafter enter, the military service of the Confederate States from the State of Alabama, has no family of his own his next of kin, if a father and mother, and brothers and sisters, or either father, mother, brother or sister, or any of these, and dependent to any extent for support upon his earnings, labor or service, shall be deemed and taken, for all the purposes of this act, to be his family, and shall, if indigent, be entitled as such family to the benefits of this act, like other indigent families of soldiers.

*Who beside soldier's family is entitled.*

SEC. 2. *Be it further enacted,* That it shall be the duty of the comptroller, immediately after the passage of this act, to draw his warrant upon the treasurer of the State for five hundred thousand dollars of the amount herein appropriated, and to pay over the same to the judges of probate of the several counties, in proportion to the claims of each county, predicated upon the information which may then be in his possession; to draw and pay over five hundred thousand dollars on the first day of January next, or as soon thereafter as practicable, and to draw and pay over five hundred thousand dollars in the month of May next, but in the second and third distributions regard shall be had in the apportionment to the information, which may then be in possession of the comptroller, as to the number of indigent families in each county, and the payment to each county shall be in such amount as shall equalize the distribution of the whole amount distributed up to that time, contemplated in the first section of this act; the fourth and final distribution of this appropriation shall be made in the month of August next: *Provided,* The comptroller shall be satisfied the wants of said indigent families require it.

*One-fourth to be paid at once.*

*One-fourth on 1st of January next.*

*Final distribution 1st August.*

SEC. 3. *Be it further enacted,* That as soon as a copy of this act shall be received by each probate judge in this State, it shall be his duty to order a special session of the commissioners' court of his county, and at such session some efficient plan shall be adopted to ascertain the number of families of soldiers in their counties,

*Special session of Commissioners' court.*

who need assistance from the State, in which shall be included the indigent families of all soldiers who may have, up to that time, entered the military service of the Confederate States, except those excluded in the first section, and as soon as such information can be obtained, the probate judge shall communicate it to the comptroller; the same shall be done in the month of January next, and also in the early part of April and July next.

Further duties.

SEC. 4. *Be it further enacted*, That the proceedings of each court of county commissioners, under this act, shall be duly recorded by the judge of probate, and it shall be his duty to open an account with each indigent family to debit the same with the amount paid for each article furnished, specifying the article, and also with such amount as may be paid over in money from time to time; such books shall be open to the inspection of any person interested in the provisions of this act.

As to end of  
Pr. Date Judge.

SEC. 5. *Be it further enacted*, That if in the opinion of the court of county commissioners the bond of any judge of probate is insufficient to secure fidelity in the discharge of his duties as herein imposed, such fact shall be reported to the governor, whose duty it shall be to require a new or additional bond, with additional security, so as to secure the disbursement of this fund without loss to the State, or injury to the indigent.

Members of com-  
missioners' court  
to take an oath.

SEC. 6. *Be it further enacted*, That for the purpose of more effectually guarding against the practice of fraud and partiality, it is hereby made the duty of the judge of probate, and the court of county commissioners of each county, at the first term held under this act, to take an oath to faithfully and impartially discharge the duties herein imposed, to use due diligence to ascertain the actual condition of those who report themselves, or may be reported by others, as indigent and in need of aid from the State, and to distribute or expend any money placed under their control by the provisions of this act with due regard to economy, and to the ascertained wants of each family.

coun-  
may  
be applied.

SEC. 7. *Be it further enacted*, That the courts of county commissioners of this State are hereby empowered to apply any surplus monies, now or hereafter in the county treasuries, to the support of indigent families of soldiers, if in their opinion the legitimate wants of such families demand it.



SEC. 8. *Be it further enacted*, That as a compensation to the judges of probate, for the additional services imposed by this act, they shall be entitled to one-half of one per cent. upon the amount disbursed by them. Compensation of Probate Judge.

SEC. 9. *Be it further enacted*, That an act entitled "An Act to provide a fund for the aid of indigent families of volunteers absent in the army," approved November 11, 1861, be and the same is hereby repealed, except so far as may be necessary to enforce the collection or disbursement of the tax levied in that act for the year 1862. Former Act repealed in part.

SEC. 10. *Be it further enacted*, That immediately after the passage of this act, three hundred copies of the same be printed, and five copies sent by mail to each probate judge of this State by the comptroller. Act to be printed and how distributed.

SEC. 11. *Be it further enacted*, That if any judge of probate, commissioner or agent employed in carrying out the provisions of this act, shall apply any of the funds, or articles, which may come into his hands, to his own use, shall be deemed guilty of embezzlement, and be liable to indictment therefor, and on conviction shall be punished as if he had feloniously stolen such funds, or articles. Penalty for misapplication.

SEC. 12. *Be it further enacted*, That the provisions of this act shall apply to the families of volunteers called, or who may be called out by the governor for State defense, while they are actually in the service of the State. Provisions extended to State troops.

Approved, Nov. 12, 1862.

No. 13.]

## AN ACT

In relation to the allowance of extra compensation to the Judges of Probate in the several counties of the State of Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be lawful for the courts of county commissioners of the several counties to decree to the judges of probate of their respective counties such extra compensation as a majority of the commissioners of said respective courts may determine to be just and Extra compensation may be decreed.

proper, for services which may be hereafter rendered by such judges of probate under laws passed for the benefit of families of indigent soldiers; *Provided*, however, that said compensation must be paid out of the treasury of said counties respectively to the respective judges.

Approved December 2, 1862.

No. 14.]

AN ACT

To authorize the Governor to borrow money on the credit of the State, to replenish the Treasury until further provisions is made by law.

Authority to borrow, and limitation of time.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor be and he is hereby authorized to borrow on the credit of the State, at a rate of interest not to exceed eight per cent. per annum, such amount of money as may be necessary to provide for the demands upon the treasury to meet the appropriations made by the general assembly; *Provided*, that no money shall be borrowed under the provisions of this act for a longer period of time than six months.

Approved November 24, 1862.

No. 15.]

AN ACT

To authorize the issue and sale of State Bonds.

Authority to sell bonds @ per cent.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor of the State of Alabama be and he is hereby authorized to issue the bonds of the State for such amount as may be necessary to meet any deficiency in the Treasury, bearing interest at a rate not to exceed six per cent. per annum, with cou-

pons attached, and payable at the expiration of twenty years after the date of such bonds; renewable at the pleasure of the State."

Sec. 2. *Be it further enacted*, That said bonds may be issued in such sums, not less than one hundred dollars nor more than five thousand dollars each, as the Governor shall deem proper. They shall be signed by the Governor and countersigned by the comptroller of public accounts, and they shall have the great seal of the State affixed thereto. The coupons for interest shall be signed and numbered by a person or persons to be appointed by the Governor, and shall be receivable in payment of all public dues, and the principal shall be payable at the office of the Treasurer of the State, or at such other place within the State as the Governor may by proclamation appoint for that purpose. Said bonds may be transferred by delivery, and the faith and credit of the State of Alabama are hereby pledged for the payment of interest on said bonds as the same shall accrue, and for the payment of the principal when the same shall become due under the provisions of this act.

Size of bonds.

How signed and numbered.

Coupons receivable for public dues.

Principal where payable.

Sec. 3. *Be it further enacted*, That the Governor may from time to time place said bonds in market, and sell at not less than their par value such an amount as shall be required for the public service, and to meet the appropriations which have been or may be made by the general assembly. To this end he may advertise for, and receive bids for such bonds, and employ such agent or agencies as may be necessary for the purpose; but no bid shall be considered which is not equivalent to the par value of the bonds bid for.

Sec. 4. *Be it further enacted*, That the bonds issued under the authority of this act may be used as a pledge to secure the redemption of any note or notes issued by any free banking institution now organized, or hereafter to be organized and put in operation under the laws of this State, to the same extent and in the same manner that bonds heretofore issued by this State are authorized to be used; and neither the bonds issued under the authority of this act, nor the moneys invested in them, shall be liable to taxation by this State, nor by any county, city or town therein.

Basis for free banking.

Sec. 5. *Be it further enacted*, That the comptroller of public accounts shall number, register and keep a cor-

Duty of Comptroller.

rect account of all the bonds issued and disposed of under this act.

Governor may  
issue treasury  
notes for defi-  
ciency.

Character of  
them.

Fundable.

Receivable for  
public dues.

SEC. 6. *Be it further enacted*, That for any portion of the deficiency in the Treasury which may exist at any time, the Governor be and he is hereby authorized, in lieu of bonds which may be issued and sold as provided in the first section of this act, to issue treasury notes, redeemable at the option of the State, either in treasury notes of the Confederate States or in coupon bonds of the State, bearing a rate of interest not to exceed five per cent. per annum, payable at the end of twenty years from their date and renewable at the pleasure of the State. All treasury notes or coupons of bonds issued under the provisions of this act shall be received in payment of all taxes and public dues of every description, and for all corporate and county taxes levied or assessed after the passage of this act. Whenever the public officers receiving such treasury notes for public dues shall pay them out again, it shall not be deemed or held that the State is thereby released from its obligations to pay the same to any holder thereof.

How signed, &c.

SEC. 7. *Be it further enacted*, That the Treasury notes herein authorized to be issued shall be signed by the treasurer and countersigned by the comptroller; and before any of them shall be paid out, it shall be the duty of the comptroller to provide and carefully preserve a book, wherein shall be registered every note issued under the authority of this act, and in such registration shall be embraced the number, date and denomination of each note issued and paid out; and when signed, numbered and registered, they shall, before being put into circulation, be delivered to the treasurer of the State and charged on the books of his office as so much cash to be accounted for.

Penalty for forg-  
ing.

SEC. 8. *Be it further enacted*, That if any person or persons shall forge or falsely alter any note, bond or coupon issued by virtue of this act, or shall utter or attempt to pass any forged or altered note, bond or coupon, purporting to be issued in pursuance of this act, knowing such note, bond or coupon to have been forged or altered, such person or persons shall be guilty of forgery in the first degree, and shall suffer the pains and penalties now affixed by law for forgery in the first degree.

SEC. 9. *Be it further enacted*, That the Governor is au-

thorized to pay the person or persons employed by him to sign and number coupons, and to number date and fill up the same, such compensation as he may deem just, either by the day or by the thousand numbers and signatures.

Pay for signing coupons.

Approved December 9, 1862.

No. 16.]

## AN ACT

To authorize the issuance of Treasury Note Change Bills by the State of Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the governor of this state be, and he is hereby authorised to have either lithographed or engraved, with his signature thereto attached, two millions dollars of treasury notes of the State of Alabama, of the denomination of one dollar and the fractional parts of a dollar, for the purpose of change circulation, the notes of the denomination of one dollar shall be countersigned by the comptroller, or by some person for him, to be appointed by the governor; and the said treasury notes shall be, in substance, of the following form :

Authority of the governor.

Extent of issue.

Denominations.

"The State of Alabama will pay to the bearer \_\_\_\_\_ cents, (or one dollar, as the denomination requires,) redeemable in Confederate States treasury notes, when presented at the state treasury, in sums of twenty dollars, or upwards."

Form of the note

SEC. 2. *Be it further enacted,* That whenever, and as fast as said notes shall be prepared and received by the governor, he shall be authorised to deliver them to the comptroller of this state, and take his receipt for the same.

Governor to deliver to comptroller.

SEC. 3. *Be it further enacted,* That the said comptroller shall be required to procure a book of registration, and he is hereby authorized to employ assistants, to whom a reasonable compensation for such services shall be paid by the state, not to exceed five dollars per day, and for which the comptroller may draw his warrant on the treasurer; and said comptroller shall cause his assistants to number, register and prepare said treasury

Comptroller authorized to employ assistants.

Duties of assistants.

notes for circulation, and when said notes shall be numbered, registered and prepared, the said comptroller shall, from time to time, as fast as prepared, deliver them to the treasurer of the state, as currency for circulation, and take his receipt for the same.

How the surety  
may pay out such  
bills, &c.

SEC. 4. *Be it further enacted*, That said treasury notes shall, and may be, paid out and used by said treasurer as currency, in liquidation of claims for appropriations, or debts owing by the state, or he may exchange them or any part of them for current bank notes, or the notes of the Confederate States of America.

Passive via for  
the he does.

SEC. 5. *Be it further enacted*, That said treasury notes shall be receivable by all tax collectors in payment of taxes, and all other dues to the state.

Approved November 8, 1862.

## No. 17.]

## AN ACT

To amend An act to authorize the Issuance of Treasury Note Change Bills by the State of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the governor of the State be, and he is hereby authorized to employ as many persons as he may deem necessary, to countersign, in the name of the comptroller, the one dollar treasury notes authorized to be issued and countersigned by an Act to authorize the issuance of treasury note change bills by the State of Alabama, approved the 8th day of November, 1862.

Governor may  
employ persons  
to countersign.

SEC. 2. *Be it further enacted*, That the comptroller of the State be, and he is hereby authorized to employ as many assistants as may be necessary to speedily number and prepare said change notes for circulation, and to pay for said assistants in the manner prescribed by said act, either by the day or by the thousand notes, as he may find to be most economical.

Comptroller may  
employ.

Manner of pay-  
ment.

SEC. 3. *Be it further enacted*, That if any person, or persons, shall counterfeit, forge, or falsely alter any note issued by virtue of the act to which this is an amendment, or shall counterfeit, alter, or attempt to pass any counterfeit, forged, or altered note issued in pursuance

Penalty for for-  
ging or circulating  
forged notes.

of the act aforesaid, knowing such note to be counterfeit, forged, or altered, such person, or persons, on conviction thereof in the proper circuit court, shall suffer the pains and penalties now affixed by law for forgery in the first degree.

SEC. 4. *Be it further enacted*, That it shall be the duty of the treasurer to pay out said change bills in paying to the several counties of the State the sum appropriated to them for the support of indigent families of soldiers, whenever he finds it practicable so to do; and to make such other distribution of said change bills as will give to them the most general circulation throughout the State.

SEC. 5. *Be it further enacted*, That the act mentioned in the first section of this act be, and is hereby amended so as to authorize the governor to cause to be issued any amount of the treasury note change bills of the denominations referred to in said act, necessary for change circulation, not exceeding in the aggregate three and one-half millions of dollars.

APPROVED, Dec. 4, 1862.

No. 18.]

## AN ACT

To amend An act to authorize the Issuance of Treasury Note Change Bills by the State of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of one hundred thousand dollars be, and the same is hereby appropriated out of the State treasury to defray all expenses which may be incurred by the governor in the execution of the "Act to authorize the issuance of treasury note change bills by the State of Alabama," approved on the 8th November, 1862, which sum, or so much thereof as may be necessary, shall be drawn by the warrant of the comptroller on the treasurer, which warrant shall be countersigned by the governor.

APPROVED, Dec. 4, 1862.

No. 19.]

## AN ACT

To place at the disposal of the Governor an additional sum to carry into effect the Act to authorize the Issuance of Treasury Note Change Bills by the State of Alabama.

Additional fifty thousand dollars appropriated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in addition to the sum of one hundred thousand dollars heretofore appropriated or placed at the disposal of the governor, for the purpose of carrying into effect the Act to authorize the issuance of treasury note change bills by the State of Alabama, the sum of fifty thousand dollars be, and is hereby placed at the disposal of the governor for the same purpose, to be drawn from the State treasury upon his order, in such sums and at such times as he shall think necessary.

APPROVED, Dec. 9, 1862.

No. 20.]

## AN ACT

To authorize the Governor to do certain things therein named.

Authority to remove public records, moneys, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That if at any time, in the opinion of the governor, the safety of the capital of the State shall be in danger from the public enemy, he be, and is hereby authorized to cause the public records, books, and papers, and property of all kinds in the offices of the several departments of this State, together with all the currency, and gold and silver in the treasury of the State, removed to a place of safety, and all lawful acts of the officers of either of said departments, done at such place, shall be as valid to all intents and purposes as if the same had been performed at Montgomery, and neither the said officers, or any of their sureties, shall be released by such removal from any official liability.

Acts valid in such place of removal.

Expenses provided for.

SEC. 2. *Be it further enacted,* That the governor be, and he is hereby authorized to draw his warrant on the



treasurer for whatever amount of money may be necessary in carrying into effect the provisions of this act.

Approved, Dec. 2, 1862.

No. 21.]

## AN ACT

To provide for the appointment of Commissioners to examine the offices and accounts of certain public officers.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the governor is hereby authorized and required to appoint three commissioners, whose duty it shall be to examine the books, accounts, and vouchers of the State treasurer, comptroller, superintendent of education, quartermaster, and military auditor, once in every year, or oftener if the governor shall deem it necessary, and to report the result of their investigation to the governor in writing and under oath.

Governor to appoint three commissioners.

SEC. 2. *Be it further enacted,* That the governor shall allow said commissioners reasonable compensation for their services, which shall be paid out of the State treasury on the warrant of the comptroller, to be issued upon the order of the governor.

Compensation.

SEC. 3. *Be it further enacted,* That it shall be the duty of the governor to communicate to the general assembly, the first week of its regular sessions, the reports of said commissioners.

Communicate to general assembly

Approved, Dec. 8, 1862.

No. 22.]

## AN ACT

To provide for the Public Safety.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That, to provide for the public safety by quelling insurrection, preventing or repelling invasion, the governor is invested with full power and authority

Governor empowered to impress slaves, &c.

Limitation as to impressment.

to impress the labor of all male slaves between the ages of eighteen and fifty years, or so many thereof as he may deem necessary, with the use of tools and implements, wagons, teams, and harness, which may be necessary to render the labor of the slaves so impressed effective, with subsistence for the same; also timber, cut and growing, and lumber, as well as arms and ammunition, and ordnance stores, and subsistence, for State troops actually in service; also steamboats and other water craft, but unless in the opinion of the governor the necessity is pressing, or the danger imminent, no slave shall be impressed from any slaveholder, company, partnership, corporation, or joint owner, owning, or having in possession less than ten slaves, and no slave owner, company, partnership, corporation, or joint owner, whose slaves are subject to impressment under this act, in any one year from its passage, shall be required to furnish a greater amount of slave labor than in the aggregate is equivalent to sixty days' labor for each slave so subject, unless in the opinion of the governor a longer service is necessary, and in estimating the amount of such labor, credit shall be given for the labor of any slaves, previously furnished, under the order or requisition of the governor which may be proved by affidavits.

Owners who may select overseer.

SEC. 2. *Be it further enacted*, That in all cases of impressment of slaves under the preceding section, the owners of every thirty slaves impressed may select a white man to attend on such slaves to perform such duties connected with their labor police, security, comfort and health, as the governor may direct, who shall receive two dollars for each day's service.

Governor's power may be exercised by the military power.

SEC. 3. *And be it further enacted*, That the authority conferred upon the governor under this act, may be exercised and enforced by the military power of the State, under his orders, or by special agents appointed by him, and acting under his direction; that any person in charge or possession of slaves, or any other property subject to impressment under this act, who shall resist any officer or agent of the State impressing such slaves, or other property, or who shall fail or refuse to deliver the same on demand to such officer, or agent, or who shall remove or conceal the same with intent to avoid impressment, shall be guilty of a misdemeanor, and on conviction shall be fined not less

than three hundred dollars, and imprisoned in the common jail not less than three months; and it is hereby made the duty of the officer or agent to return such person to the clerk of the next circuit court of the county in which the offense is committed by the first day of the same, whose duty it shall be to report the same for prosecution to the solicitor before the adjournment of the grand jury.

Penalty for re-  
sisting.

SEC. 4. *And be it further enacted*, That the governor shall, in the first instance, assess a just compensation for the labor of any slaves, the use of implements, tools, teams, wagons or harness, steamboats or other water craft, and for any other property impressed under this act, which, if satisfactory, shall be paid by warrant on the State treasurer, as provided for under clause 3 section 3, of an act, entitled "an act making appropriations for the military defense of the State," approved February 6, 1861, but if not satisfactory the owner shall, within sixty days therefrom, file his dissent in the office of the clerk of the circuit court of the county of his residence, and such court shall judicially ascertain a just compensation for the labor of the slaves, the use of the tools, implements, wagons, teams, harness, steamboats or other water craft, and the value of any other description of property impressed from the person so dissenting, and if said compensation exceeds the amount assessed by the governor, judgment shall be rendered in favor of the owner or his personal representatives against the State, which shall be paid as other judgments against the State; but if the compensation so ascertained shall not exceed the amount assessed by the governor, judgment shall be rendered in favor of the State against the owner or his personal representatives for all the costs of the proceedings; and it shall be the duty of the solicitor to act as counsel for the State, who shall, in case judgment is rendered in its favor, be entitled to receive from the owner, or his representatives the sum of ten dollars, which shall be taxed in the bill of costs, but nothing contained in this section shall effect the rights of the owner or his representatives to obtain the compensation assessed by the governor, in case that upon his dissent judgment shall be rendered in favor of the State.

Compensation to  
be assessed.

Proceedings as  
to compensation.

SEC. 5. *And be it further enacted*, That from the decision of the circuit court the State shall have the right

State may appeal

to appeal, as provided for in section 3017 of the code, and the owner, or his representatives, as in other civil cases.

One million dollars appropriated

SEC. 6. *And be it further enacted*, That the sum of one million dollars is appropriated to carry out the provisions of this act.

Approved, Oct. 31, 1862.

No. 23.]

## AN ACT

To amend An act to provide for the Public Safety.

Duty of sheriff in case of failure or refusal to comply with order of the governor.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That if any person fail or refuse to comply with the order of any agent, authorized by the governor or to impress hands, mules, or other property described in said act, to which this is an amendment, it shall be the duty of the sheriff of the county of such person failing or refusing, on being required in writing by such agent, to summon an armed *posse comitatus*, of not less than twenty men, from the male residents of said county, and proceed to the plantation or residence of such person and seize and take possession of double the number or quantity of property so impressed and deliver the same to the said agent, at such place as said agent may designate, not out of the county aforesaid.

No compensation for such property

SEC. 2. *Be it further enacted*, That for the use of the property so seized, the owner so failing and refusing shall receive no compensation.

Penalty as to sheriff.

SEC. 3. *Be it further enacted*, That if any sheriff fails or refuses to comply with the provisions of the first section hereof, he shall be liable to indictment, and on conviction shall be fined not less than five hundred dollars and imprisoned not less than six months, at the discretion of the jury trying the offense.

Penalty as to persons summoned who refuse or fail to act.

SEC. 4. *Be it further enacted*, That if any person, summoned by said sheriff to act as a member of said *posse comitatus*, shall fail or refuse so to do, unless prevented by sickness or some other cause, deemed a sufficient excuse by the judge trying the cause, such person shall be liable to indictment, and on conviction be fined

not less than five hundred dollars and imprisoned not less than six months, at the discretion of the jury trying the offense.

Approved, Nov. 17, 1862.

No. 24.]

## AN ACT

Supplementary to An act to provide for the Public Safety.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the officer or agent who shall take, impress, or receive any slaves or other property under the provisions of said act, shall give the owner or person in possession of such property, a receipt therefor, describing the property so taken, impressed or received, and specifying the time when and the place where the same was so taken, impressed or received. Officer or agent to give receipt.

SEC. 2. *Be it further enacted,* That all property taken or impressed under the provisions of said act, and not consumed, destroyed or rendered valueless in its use, shall be returned to the owner or person from whose possession it was taken, at the expense of the State, as soon as practicable after the necessity for its use for the public defense shall cease. Property to be returned.

SEC. 3. *Be it further enacted,* That the governor shall cause public notice to be given of the names of all officers and agents authorized by him to take or impress property under the provisions of said act. Governor to give notice of agents.

SEC. 4. *Be it further enacted,* That in impressing arms and ammunition under the provisions of said act, at least one efficient rifle or shot gun, one pound of powder, and five pounds of shot, bullets or lead, if owned by the person whose arms and ammunition shall be sought to be impressed, shall be left for his or her defense, and shall not be impressed or taken without the consent of such person; nor shall any ammunition collected by corporations or associations of citizens for local defense be taken or impressed. What arms and ammunition are exempt.

SEC. 5. *Be it further enacted,* That any agent or officer of the State authorized by the governor to impress or take property under the provisions of said act, who Penalty for exceeding authority.

shall wilfully exceed his authority as limited by the provisions of this act, shall be liable to indictment therefor, and on conviction thereof shall be fined and imprisoned at the discretion of the jury trying the offense.

Approved November 26, 1862.

No. 25.]

AN ACT

To regulate impressments.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be unlawful for any officer or agent of this state to seize any wagon, negro, teams of mules or horses, at any other place than the residence or plantation of the owner.

Regulating seizures.

SEC. 2. *Be it further enacted,* That any officer or agent, acting under the impressment act of the present session of the general assembly, violating the provisions of this act, shall be subject to a fine of not less than five hundred dollars, to be recovered by the owner of such wagon, mules or horses, or negro, before any court having competent jurisdiction.

Penalty for violation.

Approved December 9, 1862.

No. 26.]

AN ACT

For the defense of the northern part of the State.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of one million dollars, or so much thereof as the governor may deem necessary, be and the same is hereby appropriated to the defense of the counties in the State on the Tennessee river, and those adjacent thereto, to be expended under the direction of the governor, out of any moneys not otherwise appropriated.

One million dollars appropriated.

Approved, November 18, 1862.

No. 27.]

## AN ACT

To prohibit the distillation of Grain in the State of Alabama, except under the direction and authority of the Governor.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That for the purpose of suppressing the evils resulting from the distillation of grain as it hath heretofore been carried on, of securing the proper police of the country, and of promoting the common defense and general welfare, it shall not be lawful for any person, during the existing war, to distil, or convert into spirituous or intoxicating liquor, any grain, or the product of any grain, unless hereafter employed or authorized by the governor so to do. Unlawful to distil.

SEC. 2. *Be it further enacted,* That it is hereby made the duty of the governor, on behalf of this state, under such rules and regulations as he may prescribe, to cause such an amount of grain to be distilled, or converted into alcohol or spirituous liquors, as in his judgment is consistent with the common defense and general welfare; and he is hereby invested with power, on behalf of this state, to make contracts, to appoint agents, with such powers as he may deem necessary to carry out the object and provisions of this act, and to do and perform any other act or thing which he may consider necessary to enable him to cause such distillation or conversion to be made, and to cause the alcohol or spirituous liquors, which may be made under the provisions of this act, to be disposed of in such manner and for such purposes as he deems best calculated to effectuate the object of this act; and if, from such disposition, any nett profits shall result to this state, such profits shall be applied by future legislation to the relief of the indigent families of soldiers in the service of the Confederate States from this state. Governor to prescribe regulations.  
Authority of Governor.  
How to be disposed of.  
Nett profits, how applied.

SEC. 3. *Be it further enacted,* That this act shall go into effect at the expiration of ten days from its approval by the governor; and if, after this act thus goes into effect, any person shall distil, or convert into spirituous or intoxicating liquor of any kind, any grain, or the product of any grain, in contravention of the provisions of this act, such person shall be guilty of a misdemeanor. When to go into effect.

Penalty for violation.

nor, and, on indictment therefor and conviction thereof, may be fined in any sum the jury trying the case may assess, not less than five hundred dollars nor more than twenty thousand dollars.

Appropriation of thirty thousand dollars.

SEC. 4. *Be it further enacted*, That the sum of thirty thousand dollars, or so much thereof as may be necessary, be and is hereby appropriated, to enable the governor to carry out the object of this act, to be paid on his warrant, out of any money in the treasury not otherwise appropriated.

Penalty as to state agents.

SEC. 5. *Be it further enacted*, That if any agent of the governor, or any person by him authorised to distil, shall sell, or give away, or dispose of any quantity of spirits so distilled, except in strict accordance with the instructions of the governor, the person so offending shall be deemed guilty of a misdemeanor, and, on conviction, be punished by fine of not less than one hundred dollars, and imprisonment not less than three months.

Approved December 8, 1862.

No. 28.]

AN ACT

To regulate the sale and exportation of Corn.

License to be obtained.

Limitation of profit.

Applicants to make affidavit

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the time this act becomes of force, no person, except the producer and millers, shall sell corn, without first obtaining a license from the judge of probate of the county in which the corn is to be sold, which license shall authorize the person or partnership to whom the same is granted to sell corn in such county, and no other, for one year from the date of such license, and at a profit of not more than twenty per cent. on the price paid to the producer, and charges, exclusive of the license fees and taxes on the same; but no license shall be granted, unless the applicant first make and subscribe an affidavit, in writing, before said judge, that he will not sell any corn within one year from the date of the license, should this act remain in force for that period, at a greater rate of profit than twenty per cent. on the price paid to the producer, and



charges, exclusive of the fees and taxes on the license, and will sell only in the county in which said license shall be granted, which affidavit shall be filed in the office of the judge of probate granting the same.

SEC. 2. *Be it further enacted*, That no miller shall sell any corn, except the corn received by him as toll for grinding, unless he be the producer of the same, without first obtaining a license under the preceding section; nor shall he sell any toll at a higher rate than the usual market price in the city, town or neighborhood in which the mill is located.

Miller to obtain license in certain cases.

SEC. 3. *Be it further enacted*, That the judge of probate in each county shall, on the first Monday in each month, after this act becomes of force, and so long as the same continues in force, give notice of every person to whom licenses, under the first section of this act, have been granted; which notice shall be affixed to the court house door, and shall also keep a true record of the licenses so granted, with the date thereof, which shall be subject to the inspection of all persons free of charge, and a certified copy of the same shall be delivered by said judge to the foreman of the grand jury at each session of the circuit court held in the county, and on the same day on which said grand jury is organized.

Duties of probate judge.

SEC. 4. *Be it further enacted*, That any person who has a license under this act, and shall sell corn out of the county in which such license is granted, or who shall sell at a greater profit than twenty per cent. on the price paid to the producer, and charges, exclusive of the license fees and taxes on the same, shall, on conviction, be subject to the same punishment and penalties as if he had committed wilful perjury; any person, except the producer, and millers selling toll corn, who shall, after this act becomes of force, sell any corn without first obtaining a license, as required by the first section, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than five hundred dollars, and imprisonment in the common jail not less than six months.

Penalty for violation of license.

Penalty for selling without license.

SEC. 5. *Be it further enacted*, That any probate judge who shall fail to comply with the provisions of the third section of this act, shall be guilty of a misdemeanor, and, on conviction, shall be fined at the discretion of the jury trying the offense.

Liability of probate judge.

Penalty for ex-  
portation of corn  
without permis-  
sion.

SEC. 6. *Be it further enacted*, That from and after the time when this act becomes of force, it shall not be lawful for any person to export corn without the limits of the state, except by the permission of the commissioners' court of the county from which the corn is to be exported; and any person so exporting corn, or any person aiding or assisting in such exportation, without such permission, shall be guilty of a misdemeanor, and, on conviction, be fined not less than five hundred dollars, and imprisoned in the common jail not less than six months; but this section does not apply to the exportation of any corn owned by the Confederate government, or by any of the Confederate states.

Circuit judges to  
give this act in  
charge.

SEC. 7. *Be it further enacted*, That the circuit judges throughout the state are required to give this act specially in charge to the grand jury, and it is made the duty of each grand jury to inquire rigidly into any violation of the same, although no prosecutor appear; and if, on such inquiry, there is probable ground to believe that any violation of this act has been committed, such grand jury shall have no discretion, but are bound to indict the offender.

Grand jury to in-  
dict.

To be published  
in all the papers  
of the state.

SEC. 8. *Be it further enacted*, That it shall be the duty of the governor to cause this act to be forthwith published in every newspaper in the state, and it shall be of force from and after the expiration of thirty days from the date of its approval by the governor, and shall remain in force until the expiration of twelve months after a treaty of peace between the Confederate States and the United States.

How long to be  
in force.

Approved December 8, 1862.

No. 29.]

AN ACT

To prevent the introduction and spread of small pox  
in the State of Alabama.

State agent to be  
appointed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the Governor to appoint an agent for this State, whose duty it shall be to procure and keep in a state of preservation an

amount of vaccine virus sufficient for the use of the inhabitants of the State of Alabama.

SEC. 2. *Be it further enacted*, It shall be the duty of <sup>Duties of agent</sup> the said agent thus appointed to appoint one agent for each county in this State, and to furnish said county agents with an amount of vaccine virus sufficient for the use of their respective counties; it shall also be the duty of the said agent for the State to issue a circular letter to the county agents, setting forth the value and efficiency of vaccination as a preventative of small pox, as taught by history and experience, and urge the vast importance of prompt and energetic action on the part of the said county agents, with directions for the preservation and proper use of the vaccine virus.

SEC. 3. *Be it further enacted*, It shall be the duty of <sup>Duties of county agents.</sup> the several county agents to appoint a sub-agent for each election precinct in their respective counties, and furnish said precinct agents with vaccine virus, and with the circular letter of the agent for the State, upon the reception of which it shall be the duty of the said precinct agents to give notice in their respective precincts of their readiness to vaccinate all persons applying, or to furnish all discreet persons who may desire to vaccinate others, with vaccine virus, and to urge upon all persons the great importance and necessity of availing themselves of the means thus afforded them for the prevention of this loathsome disease.

SEC. 4. *Be it further enacted*, That the Governor is <sup>One thousand dollars appropriated.</sup> hereby authorized to draw his warrant on the Treasurer for one thousand dollars, or so much thereof as may be necessary to pay the State agent a reasonable compensation for his services, and the expense he necessarily incurs in the performance of the duties imposed on him by this act.

Approved November 27, 1862.

No. 30.]

## AN ACT

To aid the Confederate government in providing shoes for the Alabama soldiers in the Confederate army, and to impress the materials suitable for such shoes.

SEC. 1. *Be it enacted by the Senate and House of Rep-*

Appropriation of  
two hundred and  
fifty thousand  
dollars.

*representatives of the State of Alabama in General Assembly convened,* That in view of the magnitude of the present war, and under the apprehension that the Confederate government, without the aid of this State, cannot supply the troops from this State in the Confederate army with shoes in due time, the sum of two hundred and fifty thousand dollars be, and the same is hereby appropriated, to enable the governor to have fifty thousand pairs of shoes manufactured or purchased, or such portion thereof as he may ascertain the wants of the soldiers from Alabama require.

Governor to com-  
municate with  
the Confederate  
Government.

SEC. 2. *Be it further enacted,* That to facilitate the accomplishment of the object of this act, the governor shall communicate with the Confederate government and inform the proper authority thereof of the motives which prompt the legislative provisions for the partial supply of shoes for soldiers from Alabama, it being intended only as aid to the Confederate government. To that end the governor is hereby authorized to contract with the Confederate government to accept all the shoes which he may furnish at such price as may be agreed on by him and the Confederate government.

Authority to im-  
press.

SEC. 3. *Be it further enacted,* That in order that the governor may obtain the quantity of shoes mentioned in the first section of this act without being subjected to delay or extortion, he is hereby authorized and empowered to take and impress for the public use, in such manner as he shall think proper, any shoes suitable for soldiers, and any leather, and any other materials suitable for making such shoes, in the possession of any person in this State—making just compensation therefor out of the money in the first section of this act appropriated.

Restriction as to  
impressment.

SEC. 4. *Be it further enacted,* That in all impressments under the provisions of this act, due regard shall be had to the wants and necessities of the locality in which any such impressments is made, and the extent to, and the price at which the party impressed has contributed to supply these wants and relieve these necessities, as well as to the amount of shoes and leather furnished the State or Confederate government, and the prices at which the same has been furnished.

Approved November 19, 1862.

No. 31.]

## AN ACT

To provide spinning or cotton and wool cards.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of sixty thousand dollars is hereby appropriated out of the Treasury of the State for the immediate purchase of spinning cards in whatever market they can be found beyond the limits of this State.

Sixty thousand dollars appropriated.

SEC. 2. *Be it further enacted,* That his excellency the governor is hereby empowered to appoint a suitable agent, whose duty and business it shall be in the speediest and most effectual manner to select and purchase in foreign markets said spinning cards, and to provide for their transportation and delivery at the office of the Secretary of State.

Governor may appoint an agent

SEC. 3. *Be it further enacted,* That when said spinning cards have been delivered as aforesaid, it shall be the duty of the Secretary of State to apportion the same in proportion to white population among the different counties, and to forward the same to the judges of probate thereof, setting only such price upon each pair as shall remunerate the State for the original outlay, and such incidental expenses as may have arisen from insurance, transportation or otherwise.

Secretary of State to apportion and forward them.

SEC. 4. *Be it further enacted,* That said agent shall be allowed a just and reasonable compensation for his risk, trouble, time and his expenses, as his excellency may allow to be paid out of any money in the treasury not otherwise appropriated.

Compensation of agent.

SEC. 5. *Be it further enacted,* That his excellency the governor is hereby clothed with all other powers necessary to carry this act into full and immediate effect.

Powers of Governor.

Approved November 8, 1862.

No. 32.]

## AN ACT

Supplementary to an act entitled an act to provide Spinning, or Cotton and Wool Cards.

SEC. 1. *Be it enacted by the Senate and House of Repre-*

*representatives of the State of Alabama in General Assembly convened,* That an act entitled an act to provide spinning, or cotton and wool cards, shall be so construed as to authorize the governor to endeavor to procure the cards, by purchasing sterling exchange and remitting it to ports beyond the Confederate States, for the purchase of the cards, and to take the risk for the state of running them through the blockade.

Approved November 25, 1862.

No. 33.]

### AN ACT

To require all persons to do business in their own names.

Name of deceased person not to be used.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter no person or persons shall use, in the transaction of business, the name or names of any former partner or partners, nor shall they use the firm name or style of a deceased partner or partners, or of any former partner.

Penalty for violation.

SEC. 2. *Be it further enacted,* That any person violating the provisions of the preceding section, is guilty of a misdemeanor, and, on conviction, shall be fined in a sum not less than fifty dollars, at the discretion of the jury trying the same.

SEC. 3. *Be it further enacted,* That this act shall not take effect until six months after its passage.

Approved November 26, 1862.

No. 34.]

### AN ACT

To prevent the circulation of Change Bills.

Unlawful to emit abinplasters.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That any person, private corporation, or association, who, without authority of law, makes, emits, accepts, or agrees to accept, by stamping or otherwise, or signs, or countersigns, by printing, writing or otherwise,

any paper, or instrument commonly called a shinplaster, to answer the purposes of money, or for general circulation, such person, and each individual member of such corporation or association, on conviction, must be fined, for each offense, not less than twenty, nor Penalty. more than five hundred dollars, and may be imprisoned not less than three, nor more than twelve months, and the signatures, whether written or printed, shall be taken as genuine, unless the defendant denies the same under oath.

SEC. 2. *Be it further enacted,* That in indictments, under the preceding section, it is sufficient to charge that the defendant emitted, passed off, paid out, or circulated, without authority of law, any paper, or instrument called a shinplaster, to answer the purposes of money, or for general circulation, without further description of such paper or shinplaster; and proof that any person, private corporation, or association, and the individual members thereof, emitted, passed off, paid out, or circulated any such paper, or instrument called a shinplaster, of any kind or description whatever, whether purporting to be made in or out of this state, shall be deemed *prima facie* evidence upon which the grand jury shall, without any discretion on their part, find a true bill. What sufficient in indictments.

SEC. 3. *Be it further enacted,* That it shall be the duty of the presiding judge to give this act specially in charge to the grand jury, and it shall be the duty of the solicitors to summon witnesses before the grand jury, to testify to any violation of this act, and such witness may be required to answer as to any offense against this law within their knowledge, without in the first instance inquiring as to any specified offense against this act; and no witness shall be indicted for any offense against this act, in relation to which he testifies before the grand jury; and any witness who, after being summoned as a witness, refuses or neglects to attend and testify, without a good excuse, shall be guilty of a misdemeanor, and may also be proceeded against for contempt. Grand jury without discretion.

SEC. 4. *Be it further enacted,* That any person, private corporation, or association, or any individual member thereof, who circulates, passes off, or pays out any paper, or instrument commonly called a shinplaster, issued without authority of law, and to answer the pur- Duty of judges and solicitors. Unlawful to circulate.

Judgment may  
be recovered.

Proviso.

poses of money, or for general circulation, shall be deemed and held the maker of such paper or shinplaster, and any person to whom such paper or shinplaster is passed or paid may bring suit on the same against the person passing the same, as maker thereof, and recover judgment, upon his own oath, upon one day's notice before any justice of the peace in any county in this state, without regard to the county in which said paper was passed or paid out: *Provided*, that in the case of a private corporation or association, having the management and control of its business committed to a president, secretary, treasurer, board of directors, or other official agency, only such members thereof as held or assumed to hold such official agency, at the time of the commission of the offense charged, shall be held *prima facie* liable for the acts of such corporation or association, under the provisions of this act.

Not in force as to  
those who circulate  
till 1st April  
next.

SEC. 5. *Be it further enacted*, That the provisions of this act, so far they relate to the passing, circulating, or paying out of the paper currency prohibited thereby, by persons other than the makers, acceptors, or endorsers thereof, shall not be of force until the first day of April next.

Relief.

Proviso.

SEC. 6. *Be it further enacted*, That all persons, private corporations and associations, having heretofore violated the provisions of sections 936, 3268, 3269, 3270 and 3271, are hereby relieved from all the pains and penalties imposed thereby: *Provided*, that this section shall not be construed to deprive any person to whom such illegal currency has been passed, or paid out as money, of any civil remedy secured by existing law; *and provided further*, that no person, private corporation or association, liable to redeem any such illegal currency, and failing or refusing, on presentation and demand, to redeem the same, shall be entitled to the benefits of this section; *and provided further*, that none of the provisions of this act shall be of force until after ten days from the date of its approval: *Provided*, that the redemption of such shinplasters shall be made in Confederate or state treasury notes, or in the regular issue of any chartered bank of this state.

Fees for conviction.

SEC. 7. *Be it further enacted*, That for each conviction under this act, the prosecuting attorney shall be entitled to a fee of fifty dollars, to be taxed in the bill of costs.



SEC. 8. *Be it further enacted*, That this act shall be published once a week for four consecutive weeks in the Montgomery Advertiser and Mail. Act to be published.

Approved December 9, 1862.

No. 35.]

## AN ACT

To fix the time of holding the general elections for Judges of the Circuit Court, and Judges of Probate and other inferior Courts.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the general elections for judges of the circuit courts, and judges of probate, and other inferior courts in their respective counties, shall be held as often as necessary on the first Monday in May.

Approved November 24, 1862.

No. 36.]

## AN ACT

To amend the law in relation to elections in certain cases.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, Whenever a vacancy shall occur in the office of the judge of probate, clerk of the circuit court, tax collector, or tax assessor, or county treasurer for any county in this State, by reason of a failure from any cause in said county to elect such officers, at any general election, where the qualified voters of such county are authorized by law to elect such officers, or any of them, such vacancy must be filled by appointment in the manner now prescribed by law in cases of vacancy therein from other causes. How certain vacancies may be filled.

SEC. 2. *Be it further enacted*, If at any general election for governor and members of the general assembly the qualified electors of any county in this State shall from any cause fail to vote for governor and to elect representatives to the general assembly, and the gover-

**Special election to be ordered.** nor shall order a special election for representatives for the general assembly from such county to be held prior to the next regular session of such assembly, the qualified electors of such county who were entitled to vote at the time of such general election shall be authorized to vote for governor at such special election for representatives, and to that end the polls shall be opened, and the election conducted and the returns thereof made in all respects according to the law prescribed for holding elections for governor and representatives at a regular election.

**How conducted.**

**Returns to be made to Secretary of State by mail.** SEC. 3. *Be it further enacted,* In all elections held to fill the offices of senator to the general assembly, and representatives in congress, whether general or special, the returning officer of each county in which such election shall be held must make a return of such election to the secretary of state by mail, such return being sealed up and deposited in the post office, with postage prepaid, within three days after the estimate of the vote is made.

**Penalty for violation.** SEC. 4. *Be it further enacted,* Any returning officer failing to comply with the requisitions of the preceding sections, numbered two and three, shall be guilty of a misdemeanor, and on conviction must be fined not less than five hundred dollars.

**As to State Senator or Congressman.** SEC. 5. *Be it further enacted,* If any general or special election for senator to the general assembly in a district composed of more than one county, or for a representative in the congress of the Confederate States, there shall from any cause be a failure in any county in such district to vote for senator or representative in congress, it shall be the duty of the governor to order an election to be held in said county at such other time as he may appoint, giving at least twenty days' notice of the time of such election by publication in such newspaper or newspapers published in the state as he may direct, for senator or representative in Congress, or both, as the case may be.

**Special election to be ordered.**

**Notice to be published.**

**When Secretary of State makes estimate.** SEC. 6. *Be it further enacted,* On the fourth Monday after any general or special election held for the office of senator to the general assembly from a district composed of more than one county, or for representative to congress, it shall be the duty of the secretary of state, in the presence of the governor, comptroller and treasurer, or any one of them, and of such other per-

sons as may be present, to make a correct estimate of the returns made under the provisions of this act, ascertain who is elected, and notify the persons elected by publication in a newspaper: *Provided*, however, that if it shall appear that there was a failure to hold an election in any county constituting a part of such senatorial or congressional district, the secretary of state may postpone making the estimate of the votes from such district, to the end that a special election may be ordered and held in such county, and the returns thereof be made to the secretary of state; but such postponement of the estimate of the votes for senator or representative in congress must not be extended beyond the Saturday before the session of the general assembly, or the congress in which the senator or member of congress to be elected would be entitled to take his seat.

Must notify.

Provi-o.

Special election to be ordered.

Limit of time as to estimate.

SEC. 7. *Be it further enacted*, If it be ascertained by the secretary of state, in making an estimate of the votes cast at any general or special election for representative in congress, judge of a judicial circuit, or senator to the general assembly, from a district composed of more than one county, that any two or more persons have received the highest and an equal number of votes for either of such offices, in that event the election must be decided by lot in the manner following: The secretary of state must write the names of the persons receiving the highest number of votes on separate pieces of paper of like size, and roll or fold such pieces of paper in the same manner as near as may be, so that the name written therein is not visible, and then deposit the same in a box, and then after shaking the box draw therefrom one of said pieces of paper, and the person whose name appears written thereon shall be declared elected. The decision of such election by lot in the manner aforesaid, must be conducted in the presence of the governor, comptroller, treasurer, attorney general, or at least two of them, and such other persons as may desire to be present.

If no choice in certain case, how Sec'y of State to proceed.

SEC. 8. *Be it further enacted*, It shall be the duty of the Secretary of State to issue certificates of election on demand by the proper person, to senators elected to the general assembly from districts composing more than one county.

Sec'y of State to issue certificates.

SEC. 9. *Be it further enacted*, That if at any general election day for judges there shall be a failure from any

In case of failure to elect judge Governor to appoint.

cause to hold the election in any one county constituting a part of the judicial circuit in which such election of judge was authorized by law to be made at that time, a vacancy shall be deemed to exist in the office of judge of such circuit, and it shall be filled by appointment by the governor and the person appointed thereto by him shall hold until the next regular election day of judges and until the election and qualification of his successor.

Approved December 8, 1862.

No. 37.]

## AN ACT

To authorize the Governor to lease for a period of not exceeding ten years, to the Confederate Government, a certain portion of the Saline Reserves.

Authority of the Governor.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the governor is authorized to lease for a period not exceeding ten years, to the Confederate government, for the purpose of making salt by atmospheric evaporation, for such time, on such terms, and under such regulations as he may deem expedient and proper, any part or portion of the upper saline reserves belonging to the state, in Clarke county, not exceeding twenty acres: *Provided,* that, in his opinion, such transfer can be made without injuriously effecting the operation of the state or its citizens in making salt on said reserves.

Limit of acres.

Approved December 9, 1862.

No. 38.]

## AN ACT

To enable the people of Alabama to procure necessary supplies of Salt at reasonable prices, and for other purposes.

Ratification of contracts.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all contracts and agreements made since the adjournment of the last regular session of the gen-

eral assembly of the State of Alabama, by the Governor of said State, and for and on behalf of said State, for the purchase, manufacture and transportation of salt, for the use of the people of said State, be and the same are hereby ratified and confirmed.

SEC. 2. *Be it further enacted*, That the Governor be and he is hereby authorized, for and on behalf of said State, to continue the operations of manufacturing salt now being carried on under his direction upon the upper salt lands of this State, in the county of Clarke; and to use such means for the development of the saline waters of the State, and the speedy and efficient production of salt therefrom, as in his judgment the wants of the people and the interests of the State may require; and to take such other measures and make such other contracts as he may deem expedient to secure a timely supply of salt for the people of Alabama.

Governor authorized to continue the State Works, &c.

SEC. 3. *Be it further enacted*, That the Governor of Alabama be and he is hereby authorized to appoint an agent, to be styled the "Salt Commissioner of Alabama," to superintend the operations of developing the saline waters of this State, and the manufacture of salt provided for in the preceding section of this act, and to be removable at the discretion of the Governor. Said Commissioner shall give bond in the sum of fifty thousand dollars, payable to the State of Alabama, and approved by the Governor, conditioned for the faithful performance of his duties as such agent and commissioner; and shall be allowed for his services reasonable compensation, to be fixed by the Governor, not to exceed the rate of two thousand five hundred dollars per annum; and A. G. McGehee, for the services heretofore rendered by him as salt commissioner, under appointment of the Governor, shall be allowed the compensation provided for in the preceding part of this section.

Authorized to appoint Salt Commissioner.

Compensation of salt Commissioner.

SEC. 4. *Be it further enacted*, That the salt manufactured or purchased under the provisions of this act shall be distributed among and sold to the inhabitants of this State, at prices not to exceed the cost of manufacture or purchase, and sacking, with transportation and other incidental expenses added, when not sold at the place of manufacture or purchase. In the distribution thereof, due regard shall be had for the wants of counties remote from means of public transportation; and no person shall be entitled to purchase said salt except

Set how to be distributed.

for private use, nor in quantities greater than twenty-five pounds per head for his family, or for individuals or families *bona fide* represented by him, until all the people of the State are supplied.

One hundred  
thousand dollars  
appropriated.

SEC. 5. *Be it further enacted*, That in order to enable the Governor to carry out the provisions of this act, the sum of one hundred thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated.

Governor may  
lease out the  
Works.

SEC. 6. *Be it further enacted*, That the Governor may at any time lease out the said works, or any portion thereof, and any other or any portion of the State salt works which the State may regain possession of, by the rescission of any existing contract between said State and John P. Figh, as well as the salt lands belonging to said State, on such terms as the Governor may deem best for the interests of the State.

Approved December 9, 1862.

No. 39.]

AN ACT

To amend an Act supplemental to two several Acts in relation to Salt, approved December 7, 1861, and the several Acts to which it is supplemental, and for other purposes.

Advance author-  
ized.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That for the purpose of encouraging the production of salt by John P. Figh, lessee of certain salt lands in Clarke county, on which the said lessee has in operation certain salt works, the governor is hereby authorized to advance to said lessee a sum of money not exceeding ten thousand dollars, to be expended by the said lessee in the purchase of additional salt pans, kettles and boilers, in boring additional wells for supplying salt water and for the erection of additional furnaces. To secure fidelity in the use of such advance, the governor shall require the said lessee to enter into bond with good security to faithfully comply with the provisions of this section.

Purposes.

SEC. 2. *Be it further enacted*, That the terms of the

lease of the said lessee be, and the same are hereby changed in the several respects hereafter shown: the said lessee shall relinquish to the State of Alabama the bounty of ten cents per bushel allowed him by existing laws, and shall deliver to the governor, or to the agent of the governor, at the place of manufacture, two-fifths of all the salt hereafter manufactured by said lessee—the said lessee retaining for himself the other three-fifths of all the salt hereafter manufactured by him. Divisions of the salt hereafter manufactured from time to time by said lessee, shall be made as often as required by the governor, so as to enable the governor to procure, as often as he thinks proper, deliveries of the portions of the salt to which the State is entitled by the provisions of this act; and such deliveries must be made by said lessee as often as required by the governor. The said lease shall expire at the termination of the existing war, unless continued afterwards by the consent of the governor and said lessee. The said lessee shall keep a correct account of all salt manufactured, and render monthly statements thereof to the governor under oath. The governor in person, or by agent, shall lay off and set apart to the exclusive use and control of said lessee, so much of the lands included in his said lease as will secure him against any interference or hindrance in the enjoyment of his said lease, or in the procurement of water adequate to the supply of any number of boiling furnaces, machinery and other fixtures necessary to the full enjoyment of his said lease. In the event the present war shall close, or the lessee be compelled by the enemy to abandon his salt works and in consequence thereof he be desirous of abandoning his lease, in such case he shall at once signify such intention or desire to the governor, who shall thereupon, on the part of the State, relinquish such portion of the advances which shall have been made to him by the governor, and shall remain unrefunded: *Provided*, Such unrefunded portion shall have been expended in the purchase of boilers, salt pans and kettles, and in the erection of furnaces and boring of wells, or in other permanent improvements upon the salt lands included in said lease, and said lessee shall turn over to the governor, free of charge, all the improvements made by said lessee upon said lands including the boilers, salt pans, kettles and other fix-

Terms of lease changed.

How changed.

Lands to set of apart for lessee

Certain contingency provided for.

Providso.

tures or appurtenances to the said salt works used by him, and not actually worn out or lost or destroyed.

Governor may contract with other persons.

Proviso for benefit of John P. Figh.

Further proviso.

Governor or agent to locate, &c.

Proviso inhibiting Figh from sub-letting.

Proviso as to violation of contract.

Salt received by the State, how to be distributed.

SEC. 3. *Be it further enacted*, That the governor be, and he is hereby authorized to contract with any other person, or persons, for the manufacture of salt on any of the public salt lands in this State, upon such terms as he may deem just, not inconsistent with the rights and privileges of said lessee John P. Figh under his said lease: *Provided*, That said lessee John P. Figh shall have the exclusive use and control of all timber growing or being upon the lands included in his said lease during the continuance thereof: *And provided further*, That all the timber growing or being upon the lands known as the upper salt reserve, shall be reserved and held under the control of the governor or his agent for the use of State salt works; and the governor in person, or by proxy, is hereby authorized and required to locate all persons other than lessees of the State, engaged in manufacturing salt upon the public salt lands, and set apart to each manufacturer, suitable grounds by metes and bounds, in such manner as to secure the State works and all lessees under the State, from hindrance or inconvenience in the prosecution of manufacturing salt, and to prevent collision between those who may be manufacturing for their own use: *Provided*, That said lessee Figh shall not sub-let any portion of the furnaces or machinery so leased to him without the consent of the governor: *And provided further*, That the governor shall not permit any person to manufacture any salt upon any of the public salt lands, without a contract of lease.

SEC. 4. *Be it further enacted*, That if any lessee of any salt works in this State shall violate the contract under and by which he leased the same, the governor is hereby authorized to take immediate possession of and hold and work the same; and if the exercise of such authority is resisted, the governor may enforce the same by the military power of the State.

SEC. 5. *Be it further enacted*, That the governor shall cause the salt he may receive under this act from said lessee John P. Figh, or from any other lessee of this State, to be distributed among the counties according to their population; the salt for each county to be placed under the control of its court of county commissioners, who shall distribute the same among the



citizens of the county, according to their actual wants, giving a preference to the families of soldiers in the military service of this State or of the Confederate States; and the governor shall only charge such price for the salt thus distributed as he deems just and fair.

Price of salt.

SEC. 6. *Be it further enacted*, That this act shall not go into effect, in so far as it changes the terms of the said lease of the said John P. Figh, until he shall signify to the governor his assent to the provisions of this act; which assent, if signified at all, must be signified in writing signed by him and filed with the governor within two days after the approval of this act by the governor. If the said lessee John P. Figh shall not assent to the provisions of this act within the time aforesaid, he may within that time signify in writing to the governor his desire to terminate his said lease; and if he does within that time so signify his desire to terminate his said lease, he is hereby authorized to terminate it upon compliance with the terms and conditions indicated or prescribed in the last sentence of the second section of this act; and if said lessee Figh should thus terminate his said lease, the governor is hereby authorized to lease the said lands and property embraced by or connected with said lease, without delay, upon such terms and conditions as he deems best for the State.

Act when to go into effect as to Figh.

What if Figh shall not assent.

What if lease is terminated.

APPROVED, Dec. 9, 1862.

No. 40.]

AN ACT

To prevent Salt manufactured by any of the Lessees of the Public Salt Lands of this State from being sold to non-residents of this State.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall not be lawful for any of the salt manufactured upon any of the salt lands belonging to this State, to be carried out of this State, or to be sold, given or delivered to any person for the purpose of being carried out of this State, and if any person shall violate, or knowingly aid or abet in violating the provisions of this act, he shall be guilty of a misdemeanor,

Unlawful to be sold or disposed of to go out of the State.

Penalty for violation.

Governor may  
lease to non-res-  
idents.

and on conviction shall be fined in any sum not less than one thousand dollars, and imprisoned for any period not less than three months, at the discretion of the jury trying the cause: *Provided*, That the governor may lease to persons other than residents of this State, such quantity of the public salt waters as he may deem consistent with the wants of the people of this State, and upon such terms as he may deem just; and the salt manufactured by such lessees may be carried out of the State upon the written authority of the governor.

APPROVED, December 9, 1862.

No. 41.]

AN ACT

For the benefit of the hospitals established in Richmond, Va., for sick and wounded soldiers from Alabama, also for the benefit of the Military Aid Society of Mobile, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of thirty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated and placed at the disposal of the governor of this state, for the benefit of the hospitals established in the city of Richmond for sick and wounded soldiers from this state in the Confederate army, and the hospital operations supported by this appropriation may be extended to any part of the military department of general Robert E. Lee, commanding the army of the Potomac; out of the amount appropriated in this section, the governor is authorized to pay the superintendent of the hospitals such compensation as he may deem just, and he may take into consideration not only the services rendered, but also the increased or diminished expenses incidental to a residence in Richmond.

Appropriation of  
\$30 000 for Rich-  
mond hospitals.

Operations may  
be extended.

Pay of Superin-  
tendents.

Appropriation of  
\$14,000 for Mil-  
itary Aid Society,  
Mobile.

SEC. 2. *Be it further enacted*, That the sum of fourteen thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the benefit of the Military Aid Society of Mobile, and that the same be placed under the control of the governor, to be paid over from time to time to such officer

or agent of said society as may be authorized to receive it, and to be expended as said society may deem best for the relief of the sick and wounded soldiers in Mobile, or at any other place in the military department now commanded by general Pemberton.

SEC. 3. *Be it further enacted*, That the sum of twenty-five thousand dollars be placed under the control of the governor, any portion of which may be used by him in such manner and in such places as in his judgment may be proper for the benefit of the sick and wounded soldiers in the Confederate army from this State now under the command of general Bragg.

Appropriation of \$25,000 for Gen. Bragg's army.

SEC. 4. *Be it further enacted*, That the sum of five thousand dollars be and the same is hereby appropriated to the Soldiers' Home in the city of Montgomery; the sum of twenty-five hundred dollars to the Talladega hospital; the sum of five thousand dollars to the Ladies' Aid Society at Selma, and the sum of thirty-five hundred dollars to the Ladies' Aid Society at Greenville, Alabama.

For "Soldiers' Home, \$5,000.

Talladega Hospital, \$2,500.

Selma Ladies' Aid Society, \$5,000.

Greenville Ladies' Aid Society \$3,500.

SEC. 5. *Be it further enacted*, That the governor is authorized to draw his warrant on the auditor of the treasury for all or any portion of the money appropriated by this act, to be paid as directed by clause 3, section 3, of an act entitled "an act making appropriations for the military defense of the State," approved 6th February, 1861, and the governor shall cause a statement or statements to be submitted to the next general assembly of the amount and manner of expenditure, and shall require vouchers to be taken for all expenditures when practicable.

How to be drawn

Statements to be furnished to general assembly.

Approved December 9, 1862.

No. 42.]

## AN ACT

To render certain persons subject to militia service.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the approval of this act, justices of the peace, constables and notaries public, between the ages of eighteen and forty-five years, shall

Justices, constables and notaries public.

be subject to militia service, unless physically or mentally disqualified for such service.

Approved December 6, 1862

No. 43.]

AN ACT

To amend the Military Code.

Certain judicial  
officers exempt.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Military Code of the State of Alabama be so amended as to exempt from military service judges of probate, sheriffs and solicitors.

Approved November 8, 1862.

No. 44.]

AN ACT

To repeal an act to provide for the military education of two young men from each county in the State of Alabama, approved February 21st, 1860.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act, entitled "an act, to provide for the military education of two young men from each county in the State of Alabama," approved February 21, 1860, be and the same is hereby repealed.

Approved November 8, 1862.

No. 45.]

AN ACT

To amend the act approved December 10, 1861, entitled an act to regulate judicial proceedings.

Section 9 amended.

"Soldier" for  
"Volunteer."

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section nine, of an act to regulate judicial proceedings, approved December 10, 1861, be and the same is hereby amended by striking out the word

"volunteer" and inserting in lieu thereof the word soldiers.

Approved November 18, 1862.

No. 46.]

## AN ACT

In respect to forcible entry and unlawful detainer.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act to regulate judicial proceedings approved December 10th, 1861, so far as the sum con- stat law repeal-  
ed in part. flicts with the provisions of the Code in respect to forcible entry and unlawful detainer, be and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That courts having jurisdiction of the matters contained in article four, title three, chapter two, in said code, shall be held upon at all times for the consideration and adjudication of questions arising under said article, chapter and title, and judgment had thereon without delay. Certain courts  
to open.

Approved November 7, 1862.

No. 47.]

## AN ACT

To prevent false representations as to Government Agencies.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That if any person, or association of persons, shall any where in the state of Alabama represent him or themselves falsely, to be agents of the Confederate States government, or of any state of said Confederate government, or of any contractor under the same, with the intention of purchasing any commodity whatever, Penalty such person or persons shall be liable to indictment, and, on conviction, be imprisoned in the penitentiary not less than one, nor more than five years.

Approved November 8, 1862.

No. 48.]

## AN ACT

To suspend the operations of certain limitations of the Code and Statutes of Alabama.

Time suspended.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all the provisions of the code, and all statutes limiting the time within which appeals may be taken, or within which dower may be recovered, or within which a civil suit or proceeding may be prosecuted, be and the same are hereby suspended until the expiration of one year from the time a treaty of peace shall be ratified between the Confederate States and the United States: *Provided, however,* that this act shall not have the effect of reviving any right which has already been barred by any limitation.

Approved November 8, 1862.

No. 49.]

## AN ACT

To suspend the operation of the statutes of non-claims in certain cases.

Certain time not to be computed.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* The time within which the court house of any county in this State shall have been within the lines of the army of the United States, or any other public enemy of the state, or of the Confederate States, must not be computed as a portion of the time necessary to create a bar, under sections 1883 and 1847 of the code of Alabama, to claims against the estates of deceased persons upon which letters testamentary or of administration may have been granted by any court of said county.

Time a citizen is in hands of enemy not to be computed.

SEC. 2. *Be it further enacted,* The time within which any loyal citizen of this state, or of the Confederate States, may have been in captivity, or within the lines of any army hostile to their state, or Confederate States, must not be computed as a portion of the time necessary to create a bar, under sections 1883 and 1847 of the code of Alabama, to any claim which such citizen

may have held, either in his own right or as executor, administrator, or guardian or trustee, against the estate of any deceased person in this State.

SEC. 3. *Be it further enacted*, When any creditor, either in his own right or as executor, administrator, guardian or trustee, shall have been absent from his home in the military service of the state, or of the Confederate States, the period of his absence in such military service must not be computed as a portion of the time necessary, under sections 1883 and 1847 of said code, to create a bar to any claim which such creditor may hold against the estate of any deceased person, subject to be administered in this state. Absence in the army not to be computed.

SEC. 4. *Be it further enacted*, Corporations chartered by this state, which may have had any place of business within the lines of any hostile army in this state, shall be entitled to relief intended to be provided by section two of this act for citizens of this state. Relief extended to corporations.

SEC. 5. *Be it further enacted*, That nothing contained in this act shall operate to retard the settlement of estates of deceased persons, nor to increase the liabilities of representatives of such estates as shall have been settled or distributed prior to the presentation or filing of the claims of creditors, intended to be protected by this act: *Provided, however*, that such creditors shall not be debarred from proceeding in such cases against the legatees, devisees, or distributees of such estates, nor against other creditors of such estates for contribution. Not to retard certain settlements.

Approved November 24, 1862.

No. 50.]

## AN ACT

To suspend, during the war, the statute of non-claims in certain cases.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all statutes in this state, which require the presentation of claims or the filing of the same in the office of the judge of probate against estates of deceased persons, either as solvent or insolvent estates, be and the same are hereby suspended for and during the war. Suspended as to claims against deceased persons

Rules of court  
suspended.

SEC. 2. *Be it further enacted*, That all rules of court, and all laws that limit the time in which any suit or proceeding shall be revived in any court in this state, be and the same are hereby suspended for and during the war.

Approved December 5, 1862.

No. 51.]

AN ACT

To authorize the sale of lands mortgaged to the State.

Ala. & Tenn. R.  
R. Co. may sell  
lands.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Alabama and Tennessee River rail road company, acting by their board of directors, be and they are hereby authorized to sell the lands mortgaged by said company to the state, as security on account of the loan to the company of a portion of the three per cent. fund, or so much thereof as the said board may deem it advantageous to sell, and shall be approved by the governor: *Provided*, that no such sale shall be effectual to divest the lien of the state under said mortgage, until the proceeds thereof shall be paid into the treasury, to be credited on the indebtedness of said company on account of said loan.

to proceeds.

Approved November 4, 1862.

No. 52.]

AN ACT

To regulate the interest upon debts in payment of which Confederate Treasury Notes may be tendered and refused.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That if it shall be made to appear to any court of this state, in any suit or proceeding hereafter commenced upon any contract hereafter made, express or implied, for the payment of money, that before the commencement of the suit or proceeding the defendant or defendants therein, or his or her personal representa-



tive, tendered payment of the debt in treasury notes of the Confederate States, and the plaintiff refused to receive them at their par value, it shall not be lawful for the plaintiff in said suit or proceeding to recover more than one-fourth of one per cent. per annum interest on said contract.

One fourth of one per cent. interest.

Approved November 17, 1862.

No. 53.]

## AN ACT

To repeal in part an act entitled "An act in relation to debts due Alien Enemies," approved 10th December, 1861.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled "an act in relation to debts due alien enemies," approved 10th December, 1861, be and the same is hereby repealed, so far as it prevents the collection of costs out of the defendants in judgments due to the clerks and sheriffs of the several counties of this state.

Repealed as to certain costs.

Approved November 24, 1862.

No. 54.]

## AN ACT

\*The more effectually to provide for the redemption of real estate sold under execution.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That upon any person, who is entitled to redeem any real estate, under the provisions of chapter 4, part the 2d, and title six, of the code of Alabama, making the tender as provided by said chapter in current Bank notes, or treasury notes of the Confederate States, or of this State, the title to the said real estate shall vest in the person so making the tender, and he shall be entitled to all the rights and remedies provided by said chapter for the recovery of the possession of the said real estate.

Tender in Bank or treasury notes vest title.

Applies to sales  
heretofore made.

SEC. 2. *Be it further enacted*, That the provisions of this act shall apply to all sales heretofore made, the redemption of which is provided for by said chapter, as well as sales which may hereafter be made, upon which the time of redemption has not expired, but shall not have the effect to extend the period of redemption in any case.

\*This bill was vetoed by the Governor and then passed by the constitutional maj. Nov. 3d, 1862.

No. 55.]

## AN ACT

To provide for the taking of testimony upon interrogatories in certain criminal cases.

Whose testimony  
may be taken.  
As to notice.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That defendants in all criminal prosecutions in this State, may take the testimony of all witnesses absent in the army of the Confederate States, by filing interrogatories with the clerk of the circuit court, and complying with all the laws and provisions respecting the taking of testimony by interrogatories in civil cases; except that the notice required by law to be served upon the party, or his attorney, shall be served upon the prosecutor, if there be any residing in the county, and not absent in the army, and if none residing in the county, or absent in the army, then by filing in the office of the clerk the length of time as now required in civil cases; the clerk shall issue the commission to take the testimony or answers to the said interrogatories, and cross interrogatories, which may be filed by the prosecutor, or solicitor, as in civil cases, and in taking and returning into court, all the laws respecting interrogatories in civil cases, shall be applicable to testimony taken under this act.

Clerk to issue  
commissions.]

State may take  
testimony.

SEC. 2. *Be it further enacted*, That the State may, in like manner, take the testimony of any witness absent in the army, whenever the defendant shall file with the clerk of the circuit court his consent in writing, to the same.

Approved November 17, 1862.

No. 56.]

## AN ACT

To supply record evidence in certain cases.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all transcripts of books required by law to be kept in any of the land offices of this State, or in the office of secretary of State, or the office of comptroller of public accounts, properly certified as correct, by the proper custodian of said books, shall be received as evidence in the courts of this State, and it shall be no objection to such transcript, that the book from which it may be taken is a copy of office books, belonging to the government of the United States.

APPROVED, Dec. 9th, 1862.

No. 57.]

## AN ACT

To provide for the taking of testimony by registers in chancery.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That when interrogatories are filed in the chancery court of this State, for the purpose of taking the deposition of a witness in any cause pending in said court, and the solicitor filing the same, shall appoint the register, in writing endorsed on the interrogatories, as the commissioner to take the same, it shall be lawful for said register to proceed to take the testimony of the witness, or witnesses, specified in the interrogatories under the same rules and regulations applying to the taking of such testimony, by commissioners appointed by said register, unless the opposite party, within ten days after such interrogatories are filed, shall file an objection in writing, then the appointment of a commissioner shall be made as already provided for by law.

When the Register may take testimony.

How if opposing party object.

Approved November 17, 1862.

No. 58.]

## AN ACT

To provide for making persons absent in the Confederate Army parties to applications to probate wills and for grants of administration.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all persons absent from this State in the army of the Confederate States may be made parties by courts of probate in all applications to probate wills, and grant of letters of administration by publication in a newspaper, as in cases of non-residents.

Approved November 25, 1862.

No. 59.]

## AN ACT

To authorize the taking of depositions of subscribing witnesses to wills in certain cases.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the depositions of subscribing witnesses to wills offered for probate, who are in this State, and in the service of the Confederate States, or of this State, may be taken in such manner as the testimony of witnesses residing out of the State, as is now required to be taken by section 1626 of the Code of Alabama.

Approved November 28, 1862.

No. 60.]

## AN ACT

To amend An act entitled "An act the more effectually to secure subordination among slaves, by requiring the owner, or overseer, to reside with them," approved February 5, 1856.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That if the congress of the Confederate States shall hereafter change, in any respect, that part of the

exemption law, passed at its last session, which exempts "one person, either as agent, or owner, or overseer, on each plantation on which one white person is required to be kept by the laws, or ordinances of any State, and on which there is no white male adult, not liable to do military duty," such change shall so operate, from the time it is made, as to amend the act entitled "An act the more effectually to secure subordination of slaves by requiring the owner, or overseer, to reside with them," approved February 5, 1856, by striking out of said act the words "six hands," and inserting in lieu of those words the words "twenty slaves," but such amendment shall not affect any offence committed, or prosecution commenced, under said act prior to the time when such change, or amendment, may occur.

Approved December 9, 1862.

No. 61.]

## AN ACT

To increase the fees of Jailors for victualing prisoners.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the jail fees, as to matters hereinafter specified, shall be Prices. as follows, viz: To victualling each white prisoner, seventy-five cents per day; for victualling each slave, or free person of color, sixty-five cents per day, in lieu of the fees now allowed by law for similar services.

SEC. 2. *Be it further enacted,* That this act shall con- Continuance of act. tinue in force no longer than the continuance of the present war.

Approved November 4, 1862.

No. 62.

## AN ACT

In relation to the officers of Court.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

*convened*, That whenever there shall be a surplus of the fund arising from fines and forfeitures in the county treasury of any county in this state, over and above the sum required to pay the registered claims of state witnesses, it shall be the duty of the county treasurer of the proper county to pay the fees of the officers of court arising from criminal cases in which the defendants have been convicted, and have been proved insolvent by the return of executions—"no property found."

Fees of officers  
to be paid.

SEC. 2. *Be it further enacted*, In the cases above provided for, the officers of court shall make a statement under oath of the amount of such fees due them, respectively setting out the style of each case, and the term at which judgment was rendered; and if at any time the costs so enumerated, or any part thereof, shall be paid to the said officers of court by the defendants, under execution or otherwise, they shall refund the same to the county treasurer, who shall place the amount to the credit of the fine and forfeiture fund of the proper county.

Statement to be  
made.

As to refunding.

SEC. 3. *Be it further enacted*, Any officer of the court failing or refusing to comply with the requirements of the preceding section, shall pay four-fold the amount so withheld, to be recovered by motion of the county treasurer in the circuit court of the proper county on three days' notice to the defendant.

Penalty for vio-  
lation.

SEC. 4. *Be it further enacted*, That this act shall take effect from its passage only.

Approved November 14, 1862.

No. 63.]

AN ACT

To provide for the security of the records and papers in the custody of the several officers of this State."

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That if any county in this State shall be invaded, or shall be in imminent danger of invasion by the public enemy, it shall be the duty of such officer residing in such county who is entrusted with the custody of any records, papers or books, to remove the same to a place or places deemed by him safe from the

In case of inva-  
sion.

Officers may re-  
move.

inroads of the enemy, and to make the best arrangement and provision he can for the preservation of such papers, or books, or records.

SEC. 2. *Be it further enacted*, That the expenses properly incurred in the removal and preservation of such papers, books or records, in each county, shall be a charge upon the county treasury of the county from which they were removed; and the court of county commissioners must make proper allowance and provision for such expenses: *Provided*, however, that the expenses of removing and preserving the papers and records of the supreme court shall be paid by the treasurer of the state on the certificate of any of the judges of said court, stating what is the proper sum to be paid therefor.

How expenses  
are to be paid.

Proviso as to ex-  
pense of supreme  
court records.

Approved November 26, 1862.

No. 64.]

## AN ACT

In relation to publications by Courts of Probate.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in all cases in which by law any notice or publication is required to be made from, or by any court of probate, if there be more than one newspaper published in the county the executor, administrator or guardian, as the case may be, or their attorneys may designate the paper in which the publication shall be made, and the judge of probate shall cause publication to be made accordingly, and if there be no newspaper published in the county, the like privilege shall be granted to the said parties, and the like duty performed by said judges.

Executor, &c.,  
may select the  
newspaper.

Approved November 8, 1862.

## No. 65.]

## AN ACT

To amend "An act to authorize certain settlements in the Probate Courts of this State."

First section  
amended.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the first section of "an act to authorize certain settlements in the probate courts of this state," approved December 9, 1861, be and the same is hereby amended so as to read, "that hereafter whenever a judge of probate of this State shall be incapacitated under the provisions of section 560 of the Code, from making settlements of any administrator, executor or guardian, of his county, it shall be lawful for the register in chancery of the district in which the county of such judge of probate is situated, to make such settlements as if he were the judge of probate.

Approved November 7, 1862.

## No. 66.]

## AN ACT

To authorize the appointment of special Registers in Chancery in certain cases, and for other purposes.

Cases in which  
special register  
may be appoint-  
ed.

Bond required.

Term of office.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, wherever the register of any chancery district in this state has heretofore volunteered, or may hereafter volunteer, in the military service of the Confederate States, or of this State, and is absent from his office, engaged in such service, the chancellor of the division in which such district lies is authorized to appoint a special register to discharge the duties of said office during the absence of the register in such military service, requiring from him such bond, with security, as he may deem proper to secure the faithful performance of his duties; and said special register, until the return of the register or a vacancy occurs by the death or resignation of said register, is hereby authorized to perform all acts and discharge all duties that registers in chancery by law have power to do, and to receive the fees allowed



by law to registers for the performance of similar duties: *Provided*, however, that said special register may Proviso. at any time before the return of the register, or a vacancy occurs as aforesaid, be removed by the chancellor for any of the causes that would authorize the removal of a register.

SEC. 2. *Be it further enacted*, That any and every appointment of a special register within the provisions of the foregoing section, heretofore made by a chancellor, be and the same is hereby ratified and confirmed. Former appointments ratified.

SEC. 3. *Be it further enacted*, That every register, (except special registers) heretofore or hereafter appointed, shall continue to discharge the duties of his office Term of office. until a successor shall be duly appointed and qualified, notwithstanding the expiration of the time for which he was or shall be appointed, and that he and his sureties on his official bond shall continue liable thereon to the same extent as if such time had not expired.

Approved November 5, 1862.

No. 67.]

## AN ACT

To enable the Courts of County Commissioners of this State to appoint Overseers and Apportioners of public roads over the age of eighteen and under the age of sixty.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That if hereafter the court of county commissioners of any county appoint, as an apportioner of an election precinct, or as an overseer of a road precinct, a white male person over eighteen years of age and not exceeding sixty years of age, as such court is hereby authorized to do under section 1142 of the code as hereby amended, it shall be no excuse for not accepting any such office, that the person appointed is over the age of forty-five years; but every other excuse sanctioned by section 1140 of the code remains unaffected by this act: *Provided, however*, that this act shall continue of force only during the war and one year thereafter. Proviso.

Approved November 10, 1862.

No. 68.]

## AN ACT

In relation to the Records of the Courts of County Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all vouchers taken by any court of county commissioners, or judge of probate, for moneys or supplies of any kind, which have been or may hereafter distributed, under any laws enacted by this general assembly for the benefit of the indigent families of soldiers, must be numbered, filed, and carefully preserved by the judge of probate who shall have taken or caused such vouchers to be taken; but it shall not be the duty of such judge to cause such vouchers to be recorded, any law to the contrary notwithstanding.

Vouchers as to  
indigent families  
of soldiers to be  
preserved.

Act to be pub-  
lished.

SEC. 2. *Be it further enacted,* That this act shall be published for one week in the city papers of Montgomery, and two copies of each of said papers be forwarded by the secretary of state to each judge of probate in this state.

Approved December 5, 1862.

No. 69.]

## AN ACT

To authorize Executors, Administrators, Guardians and Trustees to provide salt for their trust estates.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That executors, administrators, guardians and trustees are hereby authorized to employ any slaves held by them as such executors, administrators, guardians or trustees, at any of the saline works in this state, for the purpose of making salt for the use and benefit of the estates or persons they represent.

Approved November 28, 1862.

No. 70.]

## AN ACT

To amend an act approved November 9, 1861, entitled "An act to authorize Executors, Administrators, Guardians and Trustees to make loans to the Confederate States, and to purchase, and receive in payment of debts due them, Bonds and Treasury Notes of the Confederate States, or the State of Alabama, and coupons which are due on Bonds of the Confederate States and of said State."

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That executors, administrators, guardians and trustees may sell the crops of estates committed to them, respectively, for the bonds or treasury notes of the Confederate States, or State of Alabama, and coupons which may be due on such bonds, without incurring any personal responsibility by so doing, and the bonds, treasury notes or coupons received in payment for such crops shall be assets of the estates for which such crops are sold, and be accounted for as such.

May sell crops  
for Bonds or  
Treasury Notes.

Approved November 8, 1862.

No. 71.]

## AN ACT

To authorize Executors, Administrators, Guardians and Trustees to remove slaves to a place of safety in case of invasion.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That executors, administrators, guardians and trustees be, and they are hereby authorized to remove slaves in their charge to a place of safety, in or out of the State of Alabama, whenever, by reason of an actual threatened invasion of the country, there may be danger of the escape, or capture by the public enemy, of such slaves.

Approved November 8, 1862.

No. 72.]

## AN ACT

To authorize Executors and Administrators to administer oaths in certain cases.

Administer to  
appraisers and  
commissioners.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for executors and administrators to administer the oath by law required to be administered to appraisers of the estates they respectively represent, and to commissioners appointed to divide the property of the estates they respectively represent; and the oaths so administered shall be in all respects valid, and the violation thereof as punishable as if administered by an officer authorized by law.

Approved December 4, 1862.

No. 78.]

## AN ACT

To increase the price of certain public lands belonging to the State of Alabama.

Prices and de-  
scription.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the lands lying along the line of any rail road or proposed rail road, or navigable water courses in this state, and being within six miles of the said road, shall hereafter be sold for not less than ten dollars per acre, and all the lands along said roads, over six miles and under fifteen miles, shall hereafter be sold for not less than three dollars per acre; and all the lands in this state, known as the swamp and overflowed lands, shall hereafter be sold for not less than ten dollars per acre; and all other lands in this state, which are now subject to entry and are the property of the state, shall hereafter be sold for a sum not less than one dollar and fifty cents per acre.

Graduation law  
repealed.

SEC. 2. *Be it further enacted,* That sections twenty-nine, thirty and thirty-one of the ordinance of the convention adopted 20th March, 1861, "in relation to the waste and unappropriated lands of the State of Alabama," be and the same are hereby repealed: *Provided,* that no lands now occupied by any regularly enlisted

soldier or volunteer, or his family or widow, to the extent of eighty acres, shall be subject to entry, by others than such, under the provisions of this act.

SEC. 3. *Be it further enacted*, That the iron and coal lands be withdrawn from market and sale, except such amount of said lands as will be necessary to keep in operation the foundries that have been or may hereafter be erected; the said amount and price thereof to be determined by the governor and the commissioner of public lands, upon satisfactory proof of the quantity of lands so needed and the quality of the same.

Mineral lands  
withdrawn.  
Exception.

Approved December 8, 1862.

No. 74.]

## AN ACT

To consolidate certain Land Districts therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the land district now known and designated as the Huntsville Land District, is hereby attached to and made part of the Centre Land District, so as to embrace all the lands heretofore lying within both of said districts in one district, to be designated as the Centre Land District; and the governor is hereby directed to cause the books, charts, maps, field notes, papers, and other muniments of title now in Huntsville Land Office, to be removed to said Centre Land Office, and upon such removal they shall become records of the latter office, and the office of register and receiver of the Huntsville Land Office shall, upon such removal, be abolished, and the duties of such office thereafter be performed by the register and receiver of the Centre Land Office: *Provided*, That the commissioner of public lands, with the concurrence of the governor, is authorized and required to remove the office, of the Centre Land District from the town of Centre to such place within said district as will be most convenient to the inhabitants of said district, having business with said office.

What districts  
consolidated.

Duty of governor

Approved December 9, 1862.

No. 75.]

## AN ACT

Fixing the time within which proof of settlement and improvement on public lands may be made in certain cases.

Time extended  
to soldiers.

Forfeiture as to  
others.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That any person who was an occupant or settler upon any public land of the United States, prior to 11th January, 1861; or who, since that time, has settled and improved any of the public lands of the State; and who was entitled to the right of pre-emption according to the provisions of section 23 of the ordinance of March 20, 1861, in relation to waste and unappropriated lands in the State of Alabama, and who has not been able to make proof of his settlement and improvement thereof, or who has not made payment therefor, within the time limited in said section, in consequence of his having been a soldier in the army of the Confederate States, shall be permitted to make such proof and pay for such land within six months after the termination of the present war; and in any case where such soldier may have died, or may hereafter die, before consummating his claim, it shall be competent for his executor, or administrator, or any of his heirs, to make the proof and payment required as above; and in all other cases of claimants to the pre-emption rights under said section, but in which there has been a failure to make proof and payment as therein prescribed, said parties are hereby declared to have forfeited their pre-emption right to such lands, and all such lands shall be subject to entry by any other purchaser.

Approved November 18, 1862.

No. 76.]

## AN ACT

For the extension of the time of settlement and cultivation of Lands entered under the 36th section of the ordinance of the Convention of the State of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the time for making the settlement and

cultivation of lands, entered in the several land offices in this State, prior to the eighth day of November, 1861, under the 36th section of the ordinance in relation to waste and unappropriated lands in the State, is hereby extended to all soldiers in the army of the Confederate States, or of the State of Alabama, six months after the discharge of said soldier, and to the family of any soldier, who has, or may die, in the service, for six months after the death of the soldier.

Time extended  
to soldiers.

Approved, Dec. 8, 1862.

No. 77.]

### AN ACT

To repeal "An act to legalize certain entries of land," approved December 9, 1861.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled "An act to legalize certain entries of lands," approved December 9, 1861, be, and the same is hereby repealed: *Provided,* That the repeal of said act shall not affect any entries where the lands have been actually settled upon and improved by the parties entering the same.

Provided.

Approved, Dec. 9, 1862.

No. 78.]

### AN ACT

To provide just compensation for the services of the Treasurer.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, and until otherwise provided by law, the salary of the treasurer of this State shall be twenty-six hundred dollars per annum.

Salary at \$2600

Approved December 8, 1862.

No. 79.]

## AN ACT

To provide just compensation for the services of the  
Comptroller.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the salary of the comptroller of this State shall hereafter be twenty four hundred dollars per annum.  
Approved December 8, 1862.

Salary at \$2400.

No. 80.]

## AN ACT

To provide just compensation for the secretaries of the  
Governor.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the salaries of the secretaries of the governor, shall be twelve hundred and fifty dollars, for each of said secretaries.

Salary at \$1250.  
each.

Approved December 9, 1862.

No. 81.]

## AN ACT

To authorize the Secretary of State to employ a Clerk.

Authority.

Salary.

Proviso.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the secretary of state is hereby authorized to employ a clerk to assist in the discharge of the duties of his office, at a price not to exceed the sum of five hundred dollars per annum, and that the salary agreed upon by the secretary of state, shall be paid by the treasurer of the State upon the certificate of the secretary that such clerk has been employed, stating the price, and that the services have been rendered: *Provided,* That the clerk employed by the secretary of state shall be one who is not liable to conscription under the laws of the Confederate States.

Approved December 9, 1862.



No. 82.]

## AN ACT

To amend the law relating to the printing of the Reports of Decisions of the Supreme Court.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judges of the supreme court be authorized to prescribe the mode and material of the binding of the supreme court reports. Judges to prescribe mode.

Approved November 25, 1862.

No. 83.]

## AN ACT

To pay for the hire of servants for the General Assembly during the extra and present session.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the secretary of state be allowed the sum of one hundred and fifty-two dollars, to pay for servant hire during the extra and present regular session of the general assembly, and that the comptroller of public accounts is hereby authorized and required to draw his warrant on the state treasurer in favor of the secretary of state, for the above amount, or so much thereof as may be necessary for the purpose stated, to be paid out of any moneys in the treasury not otherwise appropriated. Appropriation of \$152.

Approved December 9, 1862.

No. 84.]

## AN ACT

To provide for the re-organization of the State Penitentiary.

SEC. 1. *Be it enacted by the Senate and House of Representative of the State of Alabama in General Assembly convened,* That the organization of the penitentiary shall include three inspectors, one warden, one deputy warden, one physician, one clerk, and such number of Officers.

guards and overseers as the warden and inspectors may from time to time deem necessary.

How appointed.

SEC. 2. *Be it further enacted*, That the warden and inspectors shall be appointed by the governor, with the consent of the senate, and shall hold their offices for the space of four years and until their successors are appointed and qualified.

Physician, how appointed.

SEC. 3. *Be it further enacted*, That the physician shall be appointed by the warden and inspectors, and commissioned to hold his office during the pleasure of said board of appointment.

SEC. 4. *Be it further enacted*, That the deputy warden, clerk, and all subordinate officers of the penitentiary, shall be appointed by the warden, by and with the approval of the inspectors, and shall hold their offices during the pleasure of the warden: *Provided*, that none of said offices, except that of sergeant of the guard, shall be filled by persons subject to conscription, under the acts of the congress of the Confederate States.

Warden to report

SEC. 5. *And be it further enacted*, That the warden shall report immediately to the inspectors all appointments of officers which he shall make; he shall from time to time propose in writing to the inspectors such alterations as he may think advisable in the rules and regulations for the direction of the officers and for the government of the penitentiary.

Salaries.

SEC. 6. *Be it further enacted*, That the officers of the penitentiary shall receive the following salaries, to-wit: Warden, thirty-seven hundred and fifty dollars; the deputy warden one thousand dollars; physician, five hundred dollars; the clerk, one thousand dollars a year, all of which sums shall be paid by the warden in monthly or quarterly payments out of the treasury of the penitentiary, and shall be in full for all services, and no other perquisite, reward or emoluments shall be allowed or received by any of them.

Pay of Inspectors.

SEC. 7. *Be it further enacted*, That the pay of the inspectors shall be two hundred dollars per annum, and no mileage shall be allowed to any inspector for traveling to and from the penitentiary.

What the guard consists of.

SEC. 8. *Be it further enacted*, That there shall be maintained at the penitentiary a guard, to be employed by the wardens thereof, to consist of one sergeant and as many guards as the warden and inspectors may deem necessary; the guard shall be furnished from the arse-

nal of this state, with sufficient arms and accoutrements, and shall be subject to the command and direction of the warden of the penitentiary, who may dismiss at pleasure any of them; the sergeant shall receive not exceeding six hundred dollars per annum, and each of the guards such pay as the warden may think his service worth, not exceeding three hundred and sixty dollars per annum, besides rations to be established by the board of inspectors.

SEC. 9. *Be it further enacted*, That the warden, deputy warden, clerk and physician, shall support themselves from their own resources, and shall not receive any emoluments or perquisites for their services other than the compensation provided in this act.

No perquisites for certain officers.

SEC. 10. *Be it further enacted*, That all officers shall, before they enter upon the duties of their respective offices and appointments, take and subscribe before some justice of the peace or other officer authorized to administer oaths, the following oath: I, ———, do Oath. solemnly swear, (or affirm) that I will support the constitution of the Confederate States, and the constitution of the State of Alabama, so long as I remain a citizen thereof, and that I will faithfully execute and discharge the duties required of me as ——— of the Alabama penitentiary, and will execute the laws, rules and regulations prescribed for the government of said institution, so far as concerns my office, and that I will in no case ill-treat or abuse any convict under my charge, or punish him beyond the punishment ordered by law and and the rules and regulations of this institution, so help me God."

SEC. 11. *And be it further enacted*, That the board of inspectors shall, from time to time, choose one of their number to be their president, who shall preside at their regular meetings, and whenever in his opinion the exigency requires it, he shall convene the board; they shall cause the clerk of the penitentiary to keep a regular minute of their meetings and proceedings, which shall be signed by them and preserved in the penitentiary.

Board to choose a president.

Minutes.

SEC. 12. *Be it further enacted*, That the board of inspectors shall, from time to time, establish rules and regulations consistent with the laws of the state, for the direction of the officers of the penitentiary in the discharge of their duties, for the government, employ-

Rules and regulations to be established.

ment and discipline of the convicts, and for the custody and preservation of the public property; and as soon as may be after the establishment of any such rules and regulations by the inspectors, they shall cause authentic copies thereof to be laid before the governor, who may approve, annul, or modify the same, and the inspectors shall cause a copy of all such rules and regulations as shall have been approved by the governor, to be certified as soon as may be by the clerk of the penitentiary, and delivered to the warden.

Board to visit,  
how often.

Duty of clerk.

SEC. 13. *Be it further enacted*, That the inspectors, or one of them, shall visit the penitentiary at least once a week, and it shall be visited by the board of inspectors once a month, and oftener, if they shall think it necessary, for the purpose of inspecting the books and all the concerns of the prison, and ascertaining whether the laws and the rules and regulations relating to the prison are duly observed, and whether the officers are competent and faithful and the convicts are properly governed and employed; and it shall be the duty of the clerk of the penitentiary to note the failure of any inspector to attend the regular monthly meetings of the board, (unless such failure shall be caused by his sickness,) his office shall be considered as vacated, and it shall be the duty of the clerk of the penitentiary to notify the governor thereof, and the governor shall fill said vacancy by appointing some other person, who shall hold his term for the unexpired term of his predecessor.

Violation to be  
reported to go-  
vernor.

SEC. 14. *Be it further enacted*, That the inspectors shall report to the governor forthwith all violations of law and omissions of duty by the warden that shall come to their knowledge, and every officer who holds his place at the pleasure of the inspectors, who shall be found unfaithful or incompetent, shall be forthwith removed.

Annual report to  
be made.

SEC. 15. *Be it further enacted*, That the inspectors of the penitentiary shall, on the first day of October in each year, transmit to the governor a report exhibiting a complete and comprehensive view of the transactions of the penitentiary during the preceding year, of the number of convicts confined therein, the offence for which committed, and the respective periods of impris-

onment, their ages, sizes, previous occupation, profession or employment, and where born; the report shall also state the number of convicts who have been pardoned, discharged, and died during the year, stating the date of their conviction and of their pardon or death, the period of time for which they were sentenced, the counties in which they were convicted, their age, sex and color, the deportment of each convict while in the penitentiary, and in case of death, the particular disease of which the convict was supposed to have died.

SEC. 16. *Be it further enacted*, That the inspectors of the penitentiary may remove the convicts therein to such place or places of security within the state as they may deem expedient, if in their opinion the prevalence of any epidemic, infectious or contagious disease, or other urgent occasion, shall render such a measure necessary and proper. Convicts may be removed in case of epidemic.

SEC. 17. *Be it further enacted*, That the penitentiary shall be visited by the governor annually, or as much oftener as his excellency may think proper, for the purpose of examining its condition. Governor to visit once a year.

SEC. 18. *Be it further enacted*, That before the warden enters upon the duties of his office he shall give bond to the state in the sum of fifty thousand dollars, with sufficient sureties, to be approved by the governor, with condition that he shall account for all monies placed in or otherwise coming into his hands as treasurer, and perform all the duties incumbent on him as warden of the penitentiary, and such bond shall be filed in the office of the secretary of state, and may from time to time be put in suit by the governor against any one or more of the obligors, and shall not become void on its first recovery nor until the whole penalty shall be exhausted. Warden's bond.

SEC. 19. *Be it further enacted*, That the officers of the penitentiary shall reside constantly within the precincts of the penitentiary, and the warden and deputy warden shall not both be absent therefrom at the same time, and neither the warden nor any person appointed by him, shall, during the time of his office, be employed or engaged in any business for private emolument, not pertaining to his office: *Provided*, that it shall be lawful for the warden or deputy warden to engage in agricultural pursuits, to such an extent as to interfere with his public duties. Where officers to reside.

SEC. 20. *Be it further enacted*, That the warden shall

Warden to have charge.

have the charge and custody of the penitentiary, with the lands, buildings, furniture, tools, implements, stock, provisions, and every other species of property within the precincts thereof, or appertaining thereto; he shall be treasurer of the penitentiary, and shall receive and pay out all money granted by the legislature, (if any) and by the receipts for labor of the prisoners and for the support thereof, and shall cause to be kept in suitable books regular and complete accounts of all the property, expenses, income, business, and concerns of the establishment, and all the books and documents relating to the concerns of the penitentiary shall at all times be open to the inspectors, who shall semi-annually, or oftener if they think necessary, carefully examine the said books and compare them with the vouchers and documents relating thereto.

Warden to examine daily.

SEC. 21. *Be it further enacted*, That it shall be the duty of the warden to examine daily into the state of the penitentiary, and the health, conduct and safe-keeping of the convicts; to use every proper means to furnish them with employment; to superintend all the manufacturing and mechanical business of the penitentiary; to receive the articles so manufactured, and to sell and dispose of the same for the benefit of the state.

Articles to be sold for cash.

SEC. 22. *Be it further enacted*, That it shall be the duty of the warden to dispose of all the manufactured articles, and everything sold for cash.

Deposits with State Treasurer.

SEC. 23. *Be it further enacted*, That all moneys that may accrue, (if any) after paying the expenses of said institution, shall be deposited monthly or quarterly in the state treasury, as the penitentiary fund, and may be disposed of as hereafter may be ordered.

Warden to have made out full accounts annually.

SEC. 24. *Be it further enacted*, That the warden shall, on the first day of October in each year, cause to be made full and detailed accounts of all the disbursements and expenses, and all the receipts and profits, stock, and material on hand, of the prison, accompanied by sufficient vouchers, to the inspectors of the penitentiary.

Further duty of other officers.

SEC. 25. *Be it further enacted*, That the deputy warden, and all other subordinate officers, shall perform such duties in the charge and oversight of the penitentiary, the care of the property thereto belonging, and the custody, government, employment and discipline of the convicts as shall be required of them by the war-

den, in conformity to law and the rules and regulations of the penitentiary.

SEC. 26. *Be it further enacted*, That whenever the office of warden shall be vacant, by death, resignation, or otherwise, the deputy warden shall have all the powers and perform all the duties, and receive the same salary of the warden, until one shall be appointed and qualified; and such deputy, in such event, shall be subject to all the obligations and liabilities imposed by law on the warden. No deputy warden shall enter upon the duties of his office until he shall enter into bond, with sufficient securities, to be approved by the board of inspectors, in the sum of twenty thousand dollars, conditioned to perform all the duties of deputy warden, and faithfully account for all money or effects which shall come into his hands in the event of a vacancy in the office of warden, by the death or resignation of the warden, or otherwise, during the continuance of such deputy warden in office.

When Dep. Warden may act as Warden.

SEC. 27. *Be it further enacted*, That the physician shall visit the hospital of the penitentiary at least every other day, and as much oftener as necessary, prescribe for convicts that may be sick, and attend to the regimen, clothing and cleanliness of such of them as are in the hospital. He shall keep a regular journal, which shall remain at the penitentiary, of all admissions into the hospital, stating the time, the nature of the disease, with his prescriptions, and the treatment of each patient, and the time of his discharge from the hospital, or his death; the said journal shall also contain regular entries of all orders that shall be given for supplies for the hospital department, specifying the articles ordered. All such orders shall be in writing, and the warden shall provide the supplies so ordered under the direction of the inspectors.

Duties of the Physician.

SEC. 28. *Be it further enacted*, That it shall be the duty of the physician of the penitentiary to keep a register of all the convicts under his charge, stating the disease with which they are afflicted, and the state of their health on entering and leaving the hospital, and the cause of disease, when the same can be ascertained, and also a register of all infirm convicts, stating their names, ages, place of birth, and the particular infirmity of each; and such register shall remain in the hospital open to inspection.

Further duties of Physician.

Sick convicts.

SEC. 29. *Be it further enacted*, That whenever any convict shall complain of such illness as requires medical aid, if, in the opinion of the physician, the illness is such as requires his removal to the hospital, the warden shall order such removal, and the convict shall remain in the hospital until the physician shall determine that he may leave it without injury to his health.

As to insane convicts.

SEC. 30. *Be it further enacted*, That whenever the physician of the penitentiary shall report to the warden that any convict is insane, it shall be the duty of the warden to cause such insane convict to be removed to the hospital, or such other place as to secure his safe keeping and proper care in the penitentiary until removed.

Insane convicts to be reported to the governor.

SEC. 31. *Be it further enacted*, That the physician of the penitentiary shall report to the governor the names of all the insane convicts that are now, or may hereafter be imprisoned in the penitentiary, as often as such cases shall occur.

Exemption from militia duty.

SEC. 32. *Be it further enacted*, That all persons holding office or appointment in the penitentiary shall be exempted, during their continuance in office, from serving on juries, from militia duty, and from working on public roads, and their testimony shall be taken in civil suits by deposition, as provided by law for other purposes.

Contracts to be made for certain articles.

SEC. 33. *Be it further enacted*, That the principal articles purchased for the use of the penitentiary, such as provisions and fuel, together with their transportation, shall be contracted for by the year, when such contracts can be advantageously made, and the warden shall give previous public notice, in two newspapers at least in this state, of the articles wanted, the quantity, quality thereof, the time and manner of delivery, and the period during which proposals therefor will be received; and such notice shall be published a sufficient length of time for the information of persons who may probably be desirous to offer proposals for such contracts.

As to proposals.

SEC. 34. *Be it further enacted*, That all such proposals shall be in writing, and sealed up, and on the day appointed they shall be opened by the warden in the presence of the inspectors and compared, and the person offering the best terms, with satisfactory security for the performance of the same, shall be entitled to the contract, unless it shall appear to the warden and in



spectors that none of the offers are as low as the market price; in that case, no offer shall be accepted, and the warden, with the consent of the inspectors, may advertise again, as before, or he may proceed to make contracts for any of the articles wanted for the penitentiary, in the best way he can, for the interest of the state, without further notice.

SEC. 35. *Be it further enacted*, That every such contractor shall give bond in a reasonable sum, with satisfactory surety, or sureties, for the performance of his contract, and no officer of the penitentiary shall be concerned or interested, directly or indirectly, in any contract, purchase or sale made for, or on account of, the the penitentiary. Contractor to give bond.

SEC. 36. *Be it further enacted*, That all contracts on account of the penitentiary shall be made by the warden, shall be in writing, and when approved in writing by the inspectors, shall be binding in law, and the warden, or his successor may sue thereon to final judgment and execution. No suit shall abate by reason of the office of warden becoming vacant, but any successor of the warden, pending such suit, may take upon himself the prosecution thereof, and, upon motion of the adverse party, he shall be required so to do, or submit to a non-suit. Contracts to be in writing. No suit to abate, &c.

SEC. 37. *Be it further enacted*, That it shall be the duty of the warden of the penitentiary, under the direction of the inspectors, to purchase and pay for, out of any funds in the treasury, such raw material as may be necessary to be manufactured and used by the convicts. Purchase of raw materials.

SEC. 38. *Be it further enacted*, That the necessary medicines and other hospital stores, for the use of the penitentiary, shall be purchased from time to time, as may be requisite, by the warden, with the advice of the physician, and under the direction of the inspectors. Medicines, &c.

SEC. 39. *Be it further enacted*, That all books of accounts, registers, returns, and other documents, and papers relating to the affairs of the penitentiary, shall be considered as public documents, and remain therein, and the warden shall cause to be preserved official copies of his correspondence with the governor, inspectors, or other public officers, and of any official communication he may have received from them. Books of account &c., public documents.

SEC. 40. *Be it further enacted*, That the removal of

Removal of prisoners as in code, with exception.

prisoners to the penitentiary shall be as laid down in the code, in sections 3920 to 3941, excepting section 3940, where it reads "United States," shall be "Confederate States."

Police and punishment.

SEC. 41. *Be it further enacted*, That the police of the penitentiary and punishment of escapes, as laid down in the code, from sections 3942 to 3977, shall remain in force, excepting section 3970, where it reads "on conviction, be punished by solitary confinement in the penitentiary not exceeding two years, at such intervals as the court may direct," to read "on conviction, the penalty shall be death"; also in sections 3972 and 3973, where it reads "United States" to read "Confederate States."

Repealing section.

SEC. 42. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Approved December 5, 1862.

No. 85.]

AN ACT

Supplemental to "An act reorganizing the State Penitentiary," approved 5th December, 1862.

If penitentiary funds are required, the Governor may draw his order.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That if, from any cause, the fund deposited in the state treasury, under the twenty-third section of an act entitled "an act to provide for the reorganization of the penitentiary," and approved 5th December, 1862, or any portion of the same, shall, in the opinion of the governor, be required to carry on the penitentiary, he may, by his order in writing, specifying the object and the amount required, direct the comptroller to draw his warrant on the state treasurer, payable out of said fund, for the amount so directed.

Approved December 9, 1862.

No. 86.]

## AN ACT

In relation to homicide committed by convicts in the penitentiary for life.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That any convict, sentenced to imprisonment Death penalty. for life in the penitentiary of this state, who afterwards commits murder in the first degree, while such sentence remains against him, on conviction, shall suffer death.

SEC. 2. *Be it further enacted,* That on the trial in such As to trial. cases, a copy of the transcript of the conviction and sentence of the convict, filed with the warden or lessee of the penitentiary upon the delivery of such convict therein, shall be received as evidence of the sentence in the penitentiary for life: *Provided,* said copy is certified, under the hand and seal of the warden or lessee.

Approved November 20, 1862.

No. 87.]

## AN ACT

In relation to the transfer of insane convicts from the Penitentiary to the Hospital for insane persons.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter it shall be the duty of the clerk Duty of clerk of court. of the court, in any county where any person may be convicted of a felony, and sentenced to imprisonment in the penitentiary, to forward to the lessee, or other person having the penitentiary in charge, a certificate, showing the county in which the convict resided at the time of the commission of the offense for which he was committed, and if such convict had no known place of residence, then the certificate must state that fact.

SEC. 2. *Be it further enacted,* That when any insane Expenses. how paid. convict in the penitentiary shall be sent to the hospital for insane persons, under the provisions of "an act to amend the fourteenth section of an act to establish a hospital for insane persons in Alabama," approved December 4th, 1861, the expenses shall be paid as therein provided, upon the certificate of the lessee, or other

person having the penitentiary in charge, that the insane convict is in indigent circumstances, and has no known place of residence.

Approved November 26, 1862.

No. 88.]

## AN ACT

To repeal an act entitled "An act for the relief of insane convicts in the Penitentiary.

Repeal of former act.

Exception.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled "an act for the relief of insane convicts in the penitentiary," approved December 9th, 1861, be and the same is hereby repealed, except as to convicts who were sentenced to confinement in the penitentiary for a period longer than life time, and whose general deportment in the penitentiary has been good, and whose general character was good before they were sent to the penitentiary, and who were not sent there for rape. And the same compensation shall be allowed for guarding any insane convicts to and from the insane hospital, as is now allowed to sheriffs and guards for carrying prisoners to the penitentiary, to be paid by the state.

Approved November 29, 1862.

No. 89.]

## AN ACT

To provide for the discovery of Lead in Alabama.

Governor to appoint a competent person.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the governor is authorized to appoint a competent person to examine in the proper localities for the existence of lead ore, and to use for this purpose the necessary implements in the possession of the State, or of the University.

Appointee may select assistants.

SEC. 2. *Be it further enacted,* That the person so appointed may select such necessary assistants as may be authorized by the governor, and the governor shall pay

the expense of such survey and examination out of the contingent fund.

Approved December 2, 1862.

No. 90.]

## AN ACT

To repeal in part An act to regulate the agencies of Insurance Companies, not incorporated by the State of Alabama, approved February 24, 1860, so far as it relates to Life Insurance Companies, incorporated by any of the Confederate States, which do not take fire, river, or marine risks.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the above recited act be, and is hereby repealed, so far as it relates to, and affects, life insurance companies, incorporated by any of the Confederate States, which do not take fire, river, or marine risks: *Provided, however,* That the tax required by said act, to be paid by life insurance companies, or their agents, shall continue to be paid as provided by said act.

Approved November 28, 1862.

No. 91.]

## AN ACT

In relation to the Distribution of the Educational Fund for 1862.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the superintendent of education is hereby authorized in declaring a dividend of the educational fund for 1862, to allow to counties, from which returns have not been made, in consequence of their occupation by the public enemy, a proportion of such fund, basing his allowance upon the returns of 1861, of the county superintendents.

D ty of superin-  
tendent.

Approved November 26, 1862.

No. 92.]

## AN ACT

To amend Chapter 1, title 13, part the 1st of the Code of Alabama.

Same powers  
conferred on  
courts county  
commissioners.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all the power and authority conferred on the corporate authorities of the towns in this State, respecting establishing hospitals for persons infected with contagious diseases, and quarantine in chapter 1, title 13, part the 1st of the Code, be and the same is hereby conferred on the courts of county commissioners, and said courts are hereby authorized to establish such hospitals and make such rules and regulations as may in their opinion be necessary to prevent the spread of any contagious and infectious diseases, and appoint such guards and superintendents as may be necessary to effect the object contemplated by this act.

Approved November 14, 1862.

No. 93.]

## AN ACT

To suspend sections 40 and 41 of the Code, so far as they apply to the called session of the General Assembly of 1862.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That sections 40 and 41 of the Code, so far as they apply to the called session of the general assembly of 1862, be and the same are hereby suspended; and that the duties required to be performed by said sections shall be required to be performed within ten days after the end of the next regular session.

Approved November 8, 1862.

No. 94.]

## AN ACT

To amend section 88 of the Code.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 88 of the Code be so amended as to make the price for each page of the acts and joint resolutions, and binding the requisite number included, four dollars and eighty-five cents; for each page of the journals and revenue laws, three dollars and eighty-five cents; for blanks printed on paper per quire, two dollars.

Price of certain  
public printing  
increased.

SEC. 2. *Be it further enacted,* That the present state printers shall be entitled to the benefits of this act.

Approved December 6, 1862.

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No. 95.]

## AN ACT

To amend section 165 of the Code of Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 165 of the Code of Alabama be amended by adding thereto the words, "the resignation of justices of the peace and constables must be transmitted to the judge of probate of the county in which they respectively reside.

Approved November 4, 1862.

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No. 96.]

## AN ACT

To amend section 396 of the Code.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 396 of the Code of Alabama, be and the same is hereby amended by inserting the words "soldiers, and to recover deceased soldiers pay," after the word "pensioners," and before "and".

Approved November 8, 1862.

No. 97.]

## AN ACT

To amend section 664 of the Code.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 664 of the Code be amended by striking out of the last line the words, "to be fixed by a judge of the circuit court," and insert in lieu thereof, "to be fixed by a judge of the supreme or circuit court, or any chancellor of the State."

Approved November 3, 1862.

No. 98.]

## AN ACT

To amend section 499 of the Code, so far as the counties of Macon, Barbour and Shelby are concerned.

Per diem and  
mileage.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the members of the court of county commissioners of Macon, Barbour and Shelby counties, shall be entitled to receive in addition to their *per diem*, mileage at the rate of five cents per mile on the nearest public road going to and returning from each term of said court, to be paid as prescribed by said section 499.

Approved November 21, 1862.

No. 99.]

## AN ACT

To amend section 1140 of the Code of Alabama, as to Coffee, Covington and Walker counties.

"Fifty-five" for  
"forty five."

SEC. 1. *Be it enacted by the Senate and House of Representative of the State of Alabama in General Assembly convened,* That the words "forty-five", where they occur in the third line of section 1140 of the Code, be and they are hereby stricken out, and the words "fifty-five" inserted in lieu thereof; that the word "eighteen" in said section 1140 be stricken out, and the word "six-

"sixteen" for  
"eighteen."



teen" inserted, as to Coffee, Covington and Walker counties.

SEC. 2. *Be it further enacted*, That justices of the peace in Covington county within their respective precincts, under fifty-five years of age, shall be subject to perform the duties of apportioners on public roads. Justices in Covington to be apportioners.

SEC. 3. *Be it further enacted*, That this act shall not continue in force any longer than the termination of the present war between the Confederate States and the United States. Limitation of act

Approved November 17, 1862.

No. 100.]

## AN ACT

To amend section 1203 of the Code, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That section 1203 of the Code be amended by adding, at the close thereof, the following: "And if the contractor shall knowingly suffer any such bridge or causeway to remain out of repair, and unsafe for the passage of travellers and other persons for more than ten days at any one time, during the period stipulated for its safety by the terms of his contract, he shall be guilty of a misdemeanor, and, on conviction, shall be fined, for the use of the county, in a sum not less than double the value of the materials and labor necessary to put such bridge or causeway in the state of safety required by the terms of his contract." Bridges or causeway out of repair. Penalty.

SEC. 2. *Be it further enacted*, That the duties imposed on apportioners of roads, by subdivisions four, five and six, of section 1156 of the code, are hereby made applicable to bridges, built under contract with the court of county commissioners, and persons violating the first section of this act. Duties applicable to bridges.

Approved November 24, 1862.

No. 101.]

## AN ACT

To repeal the 5th Division of Section 1551, Article 1, Chapter 6, of the Code of Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the 5th division of "section 1551, article 1, chapter 6," of the Code of Alabama, be and the same is hereby repealed.

Approved November 7, 1862.

No. 102.]

## AN ACT

To amend subdivision four of Section 2318 of the Code, relating to the procuring of testimony by deposition.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That subdivision four of section twenty-three hundred and eighteen of the Code be amended, by adding to the end thereof the words, "or is engaged in the military or naval service of the Confederate States, or of this State."

Approved December 2, 1862.

No. 103.]

## AN ACT

To amend Section 3143 of the Code.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 3143 of the Code of Alabama be amended, so as to insert, after the word "copartnership," where it occurs in the second and third line of said section, the words, "or officer, or agent, or clerk, or person in the employment of this state or of the Confederate States."

Approved December 4, 1862.

No. 104.]

## AN ACT

To amend Section 3150 of the Code.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 3150 of the Code be amended, by adding, after the word "property," at the end of the section, the words, "an indictment may be preferred, under this section, although the principal offender has not been tried or convicted."

Approved December 4, 1862.

No. 105.

## AN ACT

To amend section 4003 of the Code of Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 4003 of the Code of Alabama be so amended as to authorise jailors to make oath to their accounts before the judge of probate, the accounts first to be certified by the clerk of the circuit court of such county.

Approved December 9, 1862.

No. 106.]

## AN ACT

To increase the corporate privileges of the Banks and Insurance Companies of the State of Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever hereafter any of the chartered and free banks, or insurance companies of the State, shall, in the opinion of the president and directors thereof, be endangered by invasion of the public enemy, actual or threatened, it shall be lawful to remove said banks, or insurance companies, their property and effects, respectively, and all things appertaining to their business, to such other place or places, in the State of <sup>Contingency.</sup> <sup>What may do.</sup>

Alabama, as the said president and directors may deem safe.

Acts legalized.

SEC. 2. *Be it further enacted*, That all acts, which any of the said banks, or insurance companies can or may lawfully do, under their charters, shall be, to all intents, as valid and effectual, and as binding on the said banks and companies, and all other parties in interest, when performed at the places to which they may be so removed, as if performed in their former counties.

Provisions as to  
"Bank of Ala-  
bama."

SEC. 3. *Be it further enacted*, That at any time before the termination of the existing war, between the United States and the Confederate States, it shall be lawful for the commissioners, named in an act entitled "An act to authorize books to be opened in the city of Montgomery, for subscriptions to the capital stock of the Bank of Alabama," approved February 1, 1861, or any two or more of them, to open books of subscription to the capital stock of the said Bank of Alabama, and to do any and all other acts or things necessary to organize said Bank of Alabama, according to the terms and provisions of said act, and the act to incorporate said Bank of Alabama, approved February 13, 1860, and the act in relation to said Bank of Alabama, approved December 3, 1861, at any place in Alabama which they may deem convenient and secure from the enemy, and at any time before the termination of the existing war, it shall be lawful for the stockholders of said Bank of Alabama, or persons or corporations who may have subscribed for stock in said bank, or the president and directors, and other officers of said bank, when elected, to do any and every act and thing necessary to organize said bank, and enable it to commence and carry on its banking business and operations, according to the terms and provisions of the several acts referred to in this act, at any place in Alabama, which the said commissioners, or any two or more of them, or the president and directors of said bank when elected, or a majority of them deem convenient and secure from the enemy; and said bank, when organized in accordance with the provisions of this act, and of the several acts herein referred to (which several acts are hereby continued of full force, except as modified or amended by each other and this act), at any place in Alabama, shall be deemed and taken to be lawfully organized and shall have a full right to carry on its banking business and opera-

tions from the time of such organization to the expiration of the full term mentioned in its charter, for the duration or continuance of said bank, as if said bank heretofore had been organized and put into operation in strict accordance with its charter, and with the several acts herein referred to; and if said bank shall be organized before the termination of the war, it and its operations shall be removed to the city of Mobile as soon after the termination of the existing war as the president and directors thereof may deem the city of Mobile secure from the enemy.

To be removed  
to Mobile.

SEC. 4. *Be it further enacted*, That this act shall be deemed and construed to be a public act: *Provided* however, That the provisions of this act shall not apply to any bank or insurance company in this State, which may refuse to receive on general deposit, or in payment of debts due to it, the treasury notes of this State or of the Confederate States.

Public act.

Proviso.

Approved November 7, 1862.

No. 107.]

## AN ACT

To establish a Bank in the town of Opelika, Alabama, to be called the Exchange Bank of Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That a bank be established in the town of Opelika, Russell county, Alabama, the capital stock of which shall not exceed six hundred thousand dollars, divided into shares of one hundred dollars each.

Bank establish-  
ed.

Capital stock.

SEC. 2. *Be it further enacted*, That A. B. Griffin, Loxla Edwards, W. C. Ross, R. C. Jeter, N. Sledge, James M. Green, E. C. McCurdy, W. C. Sorige, J. R. Hubbard, E. Hollis, W. G. Williams, and Robert S. Brownfield, be authorized as commissioners to receive subscriptions for shares of stock, not to exceed six hundred thousand dollars; the said commissioners, or a majority of them, shall designate the time and place for receiving subscriptions to said stock; shall keep books open and receive subscriptions for thirty days, unless the said amount of six hundred thousand dollars shall be sooner subscribed, and in any event shall

Commissioners.

Books to be  
opened for sub-  
scriptions.

Notice to be given, and how.

keep books open for ten days, and until as much as two hundred thousand dollars be subscribed; the said commissioners shall give at least thirty days' previous notice of the opening of said books by advertisement in at least three public newspapers, published in this State; and elsewhere in their discretion, and shall keep a correct record of all their proceedings.

Five dollars per share to be paid.

Other installments.

Discretion of subscriber.

Money to be deposited.

Vacancies.

Election of officers.

Conditions.

SEC. 3. *Be it further enacted*, That at the time of admitting such subscriptions for stock, the said commissioners shall require from the subscriber the sum of five dollars for each share subscribed; the subscriber shall further pay an installment of fifteen dollars per share within ninety days after the first opening of said books; an installment of fifteen dollars per share within six months after said opening day; twenty dollars per share within nine months after said opening day; twenty-five dollars per share within twelve months after said opening day, and twenty dollars per share within fifteen months after said opening day; but any subscriber may, if he thinks proper, pay in his subscription at earlier days than above limited, and in such case, interest shall be equalized with the other stockholders upon equitable principles; the said commissioners shall deposit all moneys received by them in such bank, or other place of deposit as they may select, until the said new bank shall go into operation, after payment shall be received by itself; the commissioners shall have power to fill vacancies, occurring in their own body, by death, absence, or refusal to act until their duty is performed.

SEC. 4. *Be it further enacted*, That whenever a sum of not less than two hundred thousand dollars, nor more than six hundred thousand dollars, shall have been subscribed to the capital stock of said bank, and after closing the books of subscription, and after half of the capital stock subscribed shall have been actually paid in gold or silver, the said bank may elect its officers under the following conditions, to-wit: the president and directors of said bank thus appointed shall, without loss of time, make the necessary arrangements to put the bank in operation, so soon as pursuant to the provisions of this act, the bank shall possess in gold and silver one half of the capital stock subscribed; but the said bank shall, under no pretext whatever, commence its banking operations by discounting bonds, or notes, or bills, by loaning money, or putting into cir-

culation its own notes until it actually, and in good faith shall have and possess, of its own absolute property, in gold or silver, one half of the whole amount of capital stock subscribed, and shall have returned to the governor of this State an account thereof verified, by oath or affirmation, of the president or cashier for the time being, nor shall the bank so commence its operations until the governor, satisfied by the return aforesaid, and by such other evidence as may be offered, shall issue a proclamation, declaring that said return Governor to issue proclamation had been fully made, and that it appeared to his satisfaction that said company had, of their own absolute property, the amount in gold and silver aforesaid, and were authorized under the provisions of this act, to commence their banking operations as aforesaid, and if said bank, without actually, and in good faith, having of its own property, the amount of gold and silver as aforesaid, or without having made return as aforesaid, or without the proclamation of the governor as aforesaid, shall commence any such banking operations as aforesaid, the charter hereby granted shall be null and void, and said bank shall be considered, to all intents and purposes, an unchartered bank; and if more subscriptions be offered to the commissioners than they are authorized to receive, they shall scale and allow the subscriptions in such mode as they shall deem equitable, giving, in all cases, the preference to subscribers, Penalty for commencing without compliance with the conditions. who shall be citizens of Alabama, and if still necessary, they shall reduce the largest subscriptions so as to form the proper amount of capital stock, and no more: *Provided*, That no other bank be allowed to take stock in said bank. Excess of subscriptions to be scaled.

SEC. 5. *Be it further enacted*, That if, in closing the books of subscription, a sufficient capital shall not be subscribed to authorize the bank to go into operation under the terms of this act, the commissioners may again open the books afterwards, at such time and place as they may direct, under the same regulations as before provided, until the subscriptions be sufficient; after the bank officers shall have been elected, if the stock is not full, the board of directors shall have power to cause books to be opened, from time to time, until the stock and capital be full, and to appoint commissioners to receive such subscriptions, under such rules as they may prescribe, provided thirty days' notice be given, Books may be opened again.

by advertisement as before prescribed, of the time and place of receiving such subscriptions.

dy corporate  
as Exchange  
Bank of Ala.

Privileges.

SEC 6. *Be it further enacted,* That the stockholders of said bank, and their successors, shall, when a sufficient amount shall have been subscribed and paid in, be and they are hereby created a corporation and body politic, by the name and style of the Exchange Bank of Alabama, and shall so continue until the first day of June, 1893, and by that name shall be, and they are declared able and capable in law to have and to own, purchase, receive, possess, and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects, of whatever kind, nature and quality, money, obligations, stocks, bonds, bills, notes, securities, and choses in action of whatever kind or nature; and the same may sell, grant, demise, alien, convey, or dispose of, and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any suit, matter, or thing, depending in any court of law or equity, and shall also have power to make, have and use a common seal, and the same to break, alter and renew at pleasure; also to ordain, establish, alter and repeal by-laws, ordinances, and regulations as they may deem necessary and convenient from time to time, for the government of said corporation, not being contrary to the constitution and laws of the Confederate States, or of the State of Alabama; also to make loans and discounts, deal in money, notes, bills of exchange, bonds, mortgages, and securities of all kinds, to receive deposits, to make and issue bank notes, payable on demand to bearer, and to make all contracts, and transact all such business as is usually transacted by banks, and as are within the scope of banking operations, and generally to do and execute all and singular the acts, and matters and things, which to them it shall appertain to do, as incident to bodies corporate, subject, however, to the rules and limitations herein contained: *Provided,* That said bank shall not, in any case, deal in, or purchase, merchandise, produce, or personal property of any kind, or real estate, except for its necessary banking houses, buildings and purposes, or by way of securing payment of debts due it, nor shall it issue, or cause to be made for circulation as currency, any bills or notes that are not payable on demand.

Restrictions.



SEC. 7. *Be it further enacted*, That the affairs of said bank shall be managed by seven directors, elected annually by the stockholders of said bank; at all elections the stockholders shall elect the directors, and shall vote according to the scale and rates of votes following: each stockholder, for every share he may hold, not exceeding twenty-five, may give one vote; for every two shares above twenty-five and under fifty, one vote; for every three shares above fifty and under one hundred, one vote; for every five shares above one hundred and under one hundred and fifty, one vote; and for every ten shares above one hundred and fifty, one vote; and, after the first election, no share shall confer a right to vote, which shall not have been holden by the voter three calendar months previous to the election; the stockholders shall be entitled to vote either in person or by proxy; the shares of infants may be voted for by their parents or guardians; if married women, by their husbands or trustees; if corporations, by their presidents; if copartners, or joint owners, by either unless the other dissent, in which case neither shall vote, and all powers to authorize persons to vote by proxy shall be in writing.

Board of directors.

How elected.

SEC. 8. *Be it further enacted*, That the first election for directors shall be held as soon as may be after the books of subscription shall be closed, and a sufficient number of shares be subscribed; the said commissioners appointed to receive subscriptions, shall hold said first election, on such day as they may appoint, after giving thirty days' notice of the time and place of holding the same; they shall certify to the directors the names of the persons so elected; shall hand over their records to them, and the moneys subscribed and paid; the said board, so elected, shall proceed to elect a president from their own number, and the board shall continue in office until the expiration of the second Monday in January following, and until their successors shall enter upon their duties; the subsequent elections for directors shall be held in the banking house, on the second Monday in January, in each year; the new board elected shall be authorized to enter upon its duties the day after, and continue until the expiration of the second Monday of January next thereafter, and until their successors shall organize and enter upon their duties; the polls shall be held by three stockholders, other than

First election.

President.

Election of directors annual.

- Rules in the election. directors, appointed by the board to hold the same; the vote shall be by ballot, under such regulations as the bank may prescribe, but ten days' notice of such election shall be given in one newspaper of the county in which said bank is located, and no stockholder shall vote at any time while in default of payment of installment of stock.
- Eligibility. SEC. 9. *Be it further enacted*, That no person shall be a director unless he shall own one thousand dollars' worth of stock in said bank *bona fide*, and as his own property; nor unless he shall be a resident citizen of this State, and is not a stockholder in any other bank.
- Failure to elect. SEC. 10. *Be it further enacted*, That in case no election shall be made of directors or president at the time provided by this act, the corporation shall not for such cause be deemed dissolved, but such election shall be held as soon after as may be on due notice. The board
- Vacancies, how filled. shall have power to fill all vacancies in the office of president or directors; six months absence removal from the state, transfer of stock down to a sum less than one thousand dollars, and any cause which shall prevent the attendance of such officer permanently to discharge the duties, or render him incapable of so doing, shall vacate the seat of such president or director.
- Cashier and other officers. SEC. 11. *Be it further enacted*, That the president and directors of such bank shall have power to appoint a cashier, and all such officers, clerks, agents and servants as may be necessary from time to time to carry on the business of the bank, and prescribe their compensation and duties and require proper bonds for the faithful discharge of their duties in their discretion, and to issue bank bills payable to bearer on demand at their banking house.
- Stock assignable. SEC. 12. *Be it further enacted*, That the shares of stock in said bank shall be assignable and transferrable according to such rules as shall be instituted in that behalf by the by-laws and ordinances of the bank, and transfer books shall be kept for that purpose: *Provided*, that in case of the failure of the bank within six months after any such transfer or sale of stock, the party selling and the party purchasing said stock shall be each held liable for the payment of the debts of the bank in proportion to the stock so transferred: *Provided further*, that no transfer of stock shall be made so as to vest in any one stockholder a greater number than one-fourth
- Proviso.
- Further proviso.

amount of the whole number of shares subscribed for in such corporation: *And Provided further*, that the bank shall have power to pass by-laws to prevent the assignment of shares by parties owing debts to said bank past due, until such indebtedness be paid, and to withhold dividends due to persons so being in default if they think it proper. Another proviso.

SEC. 13. *Be it further enacted*, That if any person or persons, copartnership, or body corporate, shall be indebted to said bank, as maker, endorser, guarantee, or as drawer, or acceptor of any note, bill or bond, made expressly negotiable and payable at the said bank, and shall delay payment thereof, the said bank may move for judgment and award of execution against such debtor, in any court of record in the state where such defendant may reside or corporation so indebted be located, and judgment thereon shall be rendered as may be lawful and proper: *Provided*, that the defendant in any such case shall have thirty days' notice of such motion before the same is made, specifying what the demand is: *Provided also*, that at the time of making such motion, the bank shall produce and file a certificate of its president or cashier, under the seal of the bank, that the debt claimed is really and *bona fide* the property of the bank: *Provided further*, that if any defendant shall appear and contest the claim, the court shall require the bank to file its declaration and the defendant his pleas, and cause issues to be joined in law or fact, to be tried instanter, or during the term as the court may direct, by a jury or by the court, as the case may be, unless on sufficient cause shown it be necessary to continue the case, and the court shall give judgment as may be proper: *And provided further*, that the summary remedy thus given shall not preclude any other mode of redress which may be lawful to enforce the right of the bank. May move for judgment in certain cases.  
Requirements.  
Proviso.  
Further proviso.

SEC. 14. *Be it further enacted*, That the said remedies given for the collection of debts due the bank shall be reciprocal for and against the bank, and in motions against the bank, no certificate shall be required to be filed as above set forth, and the courts of record in the county in which said bank is located, having jurisdiction, shall hear motions for the recovery of all debts due by said bank, and in all suits against such corpora- Remedies reciprocal.

tion service of process on the president or cashier shall be sufficient to bring the defendant into court.

Fundamental articles.

SEC. 15. *Be it further enacted*, That the said bank shall be subject to the following rules and regulations, and they are declared to be fundamental articles in the constitution of said corporation, to-wit:

ARTICLE 1ST. The bank shall not commence operations until half the capital stock subscribed for be actually paid, in gold or silver, which amount shall in no case be less than one hundred thousand dollars.

ARTICLE 2. That the stockholders in said bank shall be bound respectively for all the debts of the bank in proportion to their stock holden therein, and this provision shall in no wise affect or impair the provisions of the twelfth section of this act.

Liability.

ARTICLE 3. That the bank shall not be authorized to issue or have in circulation, at one time, notes or bills of the bank to an amount exceeding twice the amount of the capital stock actually paid in, and in case of an issue greater than herein allowed, the president and directors under whose administration it may happen shall be liable for the same in their natural and private capacities, and actions may be brought against them, or either of them, in any court, by any creditor of said corporation, and may be prosecuted to judgment, any condition or agreement to the contrary notwithstanding; but the corporation shall not on account of this provision be liable and chargeable with said excess: *Provided*, that the President and such of said directors who may have been absent, or dissenting, when said excess was contracted or created, may respectively exonerate themselves from being so liable by forthwith giving notice of the fact of their absence or dissent at a general meeting of the stockholders, which they shall have power to call for that purpose.

Proviso.

May receive, but not pay out.

RULE 1. The bank may at its option receive in payment, or on deposit, the notes of the banks of the states, but shall not pay out the same on loans, drafts or discounts.

Proportion of coin.

RULE 2. The bank shall be required to procure and keep on hand gold and silver in proportion, of not less than one-third of the amount of bills it shall have in circulation, and if withdrawn shall immediately proceed to replace the deficiency.

RULE 3. The bank shall be required to receive money

on deposit and pay out the same to order, free of charge, Shall receive on deposit. in such sums as the depositors may direct: *Provided*, that the bank shall not be required to pay deposits in less sums than twenty dollars, nor to receive them in less sums than one hundred dollars.

RULE 4. The bank shall not take, retain or receive on its loans or discounts, interest at a greater rate than as follows: upon paper running six months or under six per cent. per annum upon paper more than six months and not exceeding nine months, seven per cent. per annum; upon paper running more than nine months, eight per cent. per annum: *Provided*, that all paper had and owned by said bank shall, after maturity, bear interest at the rate of eight per cent. per annum. Rate of Interest. Quorum.

RULE 5. No director shall receive any emolument, but the president may receive such compensation as the stockholders shall at a general meeting assign him.

RULE 6. No director shall hold his office more than three years out of four in succession, but the president may always be re-elected for the ensuing term.

RULE 7. Not less than three directors shall constitute a quorum for the transaction of business, of which the president shall always be one, except in case of sickness or necessary absence, in which case his place may be supplied by any other director, whom under his hand he shall depute for that purpose, and the director so deputed may do and transact all necessary business belonging to the office of president of said corporation, under the name of president *pro tem*, during the continuance of the sickness or necessary absence of the president. Quorum.

RULE 8. All officers of the bank, the president and directors excepted, shall be required before they enter upon the duties of their office, to give bond and security such as the board shall approve. Officers to give bond

RULE 9. Yearly or half yearly dividends shall be made of so much of the profits as shall appear to the directors proper, but no dividends shall be paid as profits which shall trench upon the capital of the bank. Dividends.

RULE 10. Once in every three years the directors shall lay before the stockholders, at a general meeting, for their information, an exact, full and particular statement of the condition and affairs of said bank, showing the particulars of all suspended debts, and shall Full statement triennially.

give all information to them required for a proper understanding of its true condition.

**General meeting** **RULE 11.** The directors shall have power to call a general meeting of the stockholders at any time they may deem necessary and expedient, and a number of stockholders not less than thirty, who together shall be proprietors of five hundred shares of stock or upwards, may at any time call a general meeting of the stockholders, relative to the institution, giving at least six weeks notice in a newspaper of the town or county in which the said bank is located, of such meeting, and specifying the purpose or purposes thereof.

**Annual statement to Comptroller.** **RULE 12.** The said bank shall make to the comptroller of public accounts a return, once in every year, of its true situation, showing the amounts of its assets and liabilities, and of what they consist, also a list of stockholders of said bank, and a list of the shares owned by each.

**Commissioners to examine each year.** **RULE 13.** The governor of the state shall appoint annually two commissioners, whose duty it shall be to examine the money, books, papers and documents of the said bank, and otherwise examine into its condition and make a report thereon, within two months after their appointment. The bank shall furnish all information to said commissioners necessary for an accurate examination, and shall pay to said commissioners four dollars per day each, not exceeding ten days each, and said commissioners shall each make affidavit before an acting justice of the peace, that they have not, previous to the time of their visit, communicated to the officers of the bank the time when they would visit the said bank for examination as aforesaid, which said affidavit shall be filed in the office of the secretary of state.

**Affidavit of commissioners.**

**Filed.**

**Bonus in lieu of taxes.** **SEC. 16.** *Be it further enacted,* That by way of bonus for granting this charter, the said bank shall pay annually into the treasury of the state, on or before the first day of November in each year, and while the bank shall continue banking business, an amount equal to thrice the taxation, which may be assessed on every hundred dollars of the value of lands, for the time being, by the state, on each share of the stock of the bank, which shall be in lieu and composition of all taxation by the state, county, town, or other authority, on the capital stock or business of the bank: *Provided,* that all real

**Proviso.**

estate owned by the bank shall be subject to pay taxes as if held by individuals.

SEC. 17. *Be it further enacted*, That whenever any bills, notes, checks, or other issues of said bank are presented at the counter of the same for redemption, and the bank shall refuse to redeem the same, either in gold or silver, the cashier shall write across the back of such bill, check, or other issue, the word "protested," with the day and date, and shall sign the same, and all such bills, notes, checks, or other issues so protested, shall draw twelve per cent. interest from the date of such protest, and until the same shall be redeemed, together with the interest that may have accrued thereon; and if any such bill, note, check, or other issue be presented to said bank and payment refused, and said officer fail to note the same "protested," as above provided, such officer, so failing, and his securities, shall be subject to pay double the amount of the demand offered and refused, to be recovered by the person aggrieved in any court of record in the county where said bank may be located.

When notes not redeemed to be marked "protested."

Twelve per cent. interest additional to other interest.

Proviso.

SEC. 18. *Be it further enacted*, That no stockholder of said bank shall receive any loan from the bank, either directly or indirectly, until the whole amount of his stock shall be paid; and no stockholder, while any portion of his stock is unpaid, shall be otherwise a debtor of said bank, nor shall said bank, under any pretext, hold any stock purchased by it of its stockholders for more than six months from the date of purchase.

No loan to director if stock not all paid.

SEC. 19. *Be it further enacted*, That if any debt or demand due from said bank, for an amount exceeding one hundred dollars, shall remain unpaid for more than ten days, after proper demand made for payment, the holder of such debt may file a bill in the chancery court of the county or district in which said bank is located, for the settlement of all the debts of the bank, if he elect so to do, and may on proof, by affidavit, of such refusal to pay on demand, and of the continuance of such refusal, made to any chancellor or judge of any circuit court of the state, pray an injunction to restrain said bank and all its officers from paying out, or in any way transferring or delivering to any person any money or assets of said bank, or incurring any obligation or debt, until such order be vacated or mollified; and if such chancellor or judge shall be of opinion that the

Bill holder of exceeding one hundred dollars may file bill in chancery, if payment is refused.

Injunction may be granted.

Provided.

debt is justly due, and that the bank has no just defense against the demand, and if it shall appear expedient and necessary, upon the proof presented, in order to prevent fraud and injustice, he shall grant an order for such injunction: *Provided*, that the bank shall have had such reasonable notice of the application as the chancellor or judge may prescribe, and shall not be able to show sufficient cause against the same, and the said chancellor or judge shall then proceed further to inquire, on such further notice as he may prescribe, whether the bank be clearly solvent or not, and may require the officers of the bank to exhibit any and all of its books, papers, accounts, assets, moneys and effects, and be examined on oath touching the same before him, and if it shall appear that said bank is not clearly solvent, then he may make an order declaring the same to be insolvent, and requiring its affairs to be wound up and settled; and further, if, in his opinion the safety of the creditors shall require it, such judge or chancellor may appoint a receiver to take charge of the assets of the bank and to close and settle its affairs, and may make all such orders for the accomplishment of the same safely, properly, and economically, as the case may require; but if it shall appear on such examination that said bank is already solvent, or if there shall appear to be a deficiency of assets, and the bank shall procure and give good security for the payment of any deficiency which may exist, and that the assets shall prove sufficient to pay or satisfy all the debts of the bank, to the satisfaction of the judge or chancellor, then no such receiver shall be appointed, and upon the payment of the debt complained of, the injunction and proceedings shall be dismissed, and such order shall be made for the payment of costs as the judge or chancellor shall deem proper and just, and the proceedings shall be returned and made of record in the chancery court of the county or district in which said bank is located, and shall be subject to revision and correction by the supreme court, as in other cases.

When insolvent,  
how to proceed.

SEC. 20. *Be it further enacted*, That in case the said bank be found insolvent, and settlement of its affairs be ordered as herein provided, the same shall be done upon bill filed in said chancery court, under the order of court and rules of chancery, and full distribution shall be made of the assets according to the rights of



all parties; but the holders of bank notes and obligations issued for circulation as money, shall be first called in and paid, and shall have priority over other debts due from the bank, and after the assets of the bank are exhausted, if they be not sufficient to pay all debts and liabilities, a further call shall be made on the stockholders in the bank for a further payment of capital, over and above the sum of one hundred dollars, of an amount equal to the deficiency, which shall be apportioned among all the shares of stock, and an order shall be made by the court for the payment by each shareholder of the sum or proportion due on his share of stock, and each shareholder shall pay the sum so assessed to him, severally, in proportion to his stock.

Bill-holders preferred creditors.

Stockholders further liable.

Order of the court.

SEC. 21. *Be it further enacted*, That the summary remedy in this act, given for settling up and closing the affairs of said bank, shall apply to the case of insolvency, but shall not be allowed in the case of a suspension of specie payment only by the bank, when and so long as such suspension shall be sanctioned by the general assembly, or by the governor of the state during the recess of the general assembly; but nothing in this act contained shall be so construed as to deprive a creditor of said bank of his right to suit in any other appropriate mode of proceeding, or to prevent the general assembly from hereafter regulating, by a general law in relation to banking institutions, the mode of enforcing and satisfying the rights of creditors of said bank: *Provided*, that any bill holder shall have the right to move in any court having jurisdiction, or before any justice of the peace in the town or county in which the bank is located, as the case may require, for the collection of any bill the payment of which may be refused.

Remedy for closing not applicable to mere suspension.

Proviso.

Right of bill-holder.

SEC. 22. *Be it further enacted*, That notwithstanding the expiration of the time for which said corporation is created, it shall be lawful to use the corporate name, style and capacity, for the purpose of suits, and for the final liquidation and settlement of the affairs and accounts of the corporation, for the sale and disposition of its estate, real and personal, and collection of its assets, but not for any other purpose, nor for a period exceeding two years after the expiration of said term of incorporation.

Corporation name in suits and liquidations.

Limitation.

SEC. 23. *Be it further enacted*, That said bank shall

No bill less than one dollar.

issue no notes or bills of a less denomination than one dollar.

Approved December 1, 1862.

No. 108.]

## AN ACT

To incorporate the Red Mountain Iron and Coal Company.

**Incorporators.** SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Wm. B. Gilmer, Wm. C. Bibb, John D. Phelan, F. M. Gilmer, jr., John T. Milner and others, their associates, now composing the "Alabama Arms Manufacturing Company," under an association made agreeably to the provisions of the Code of Alabama, touching private corporations, are hereby created a body corporate, under the name and style of the Red Mountain Iron and Coal Company, and invested with all the usual corporate powers necessary to a corporate existence; such as to have and use a common seal, and the same to alter at pleasure; to ordain all lawful by-laws and regulations needful to the purposes of the corporation; to hold all real and personal estate essential to their business, and generally to do, in a corporate way and manner, all things within the legitimate scope of the business and purposes of said corporation, which are hereby declared to be mining for coal and iron, and the making and general manufacture of iron on their lands in Jefferson and Shelby counties.

**Name of Company.**

**Powers.**

**Right to contract** SEC. 2. *Be it further enacted,* That in order to facilitate their operations in coal and iron, the said company are hereby invested with the right to construct such works on the Cahaba river, in Shelby and Jefferson counties, as they may deem necessary to create slack water navigation on said river, above and below the crossing of the Tennessee and Alabama Central Rail Road, and shall be allowed to charge and collect a toll upon all tonnage, timber, or other commodity, transported by the public on said river thus improved, not to exceed five cents per ton per mile, and shall also be allowed to use in propelling their own machinery, or to

**Limit of toll.**

let to others the water power created by the construction of their works.

SEC. 3. *Be it further enacted*, That said company is Further rights. hereby authorized to purchase, receive and hold, such estate as may be necessary and convenient for the river improvements, mentioned in section 2 of this act, and may, by their agents, engineers, and servants, enter upon all lands and tenements, upon which they may deem it necessary to construct works for the purposes above mentioned, and to survey, locate, and contract for the right of way through, or damages to said lands, or tenements, with the owners or managers of the lands along said river, and when the company and the parties owning, or controlling, any lands along the contemplated river improvements, cannot agree as to the damage, it shall be lawful to proceed in the assessment of said damages, as set forth in sections 9, 10 and 11 of an act entitled "An act to incorporate the Russell Rail Road Company," approved February 10, 1852, by substituting, where the word rail road occurs, the words "river improvements." See pages 169 and 170 of Acts 1851-2.

SEC. 4. *Be it further enacted*, That the capital stock Capital stock. of said company may be increased at the discretion of the board of directors, so as not to exceed, at any time, Individual liability. the sum of twelve hundred and fifty thousand dollars, divided into shares of one hundred dollars each; the individual liability of any stockholder shall not extend beyond the amount of stock owned by him, but each stockholder shall be liable to that extent out of his private property for any debt or defalcation created or incurred during the time he was a stockholder.

SEC. 5. *Be it further enacted*, That the acceptance of Acceptance shall vest. this act of incorporation, by the Alabama Arms Manufacturing Company, shall vest in said company, under its new name, all the powers and privileges, and rights of property, and claims of every kind, now held or enjoyed by said Alabama Arms Manufacturing Company, and subject it in like manner to all the duties, obligations, contracts, and liabilities of every kind, now resting upon said Alabama Arms Manufacturing Company, and said acceptance may be lawfully signified by a resolution of the board of directors of said company, entered on their minutes.

Approved November 5, 1862.

No. 109.]

## AN ACT

## To Incorporate the Selma Iron Foundry Company.

**Incorporators.** SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That C. J. McRae, and such other persons, as now are, or may hereafter be, associated with him, for the purpose hereinafter expressed, are hereby constituted a body corporate, with power of continual succession to them, their heirs and assigns, with power to

**Powers.** sue, and be sued, contract and be contracted with, to hold, alien, and convey, buy and receive real and personal estate of all kinds, and to have and to use a common seal, and the same to change, or alter, at will, to make and execute contracts, promissory notes, drafts, bills of exchange, and other obligations under seal, and not under seal, all of which shall bind the property, and all the interests of said corporation.

**Its manufactures** SEC. 2. *Be it further enacted,* That said corporation shall have power to manufacture all and every thing made of iron, brass, copper, lead, or wood, in all of their forms and branches, and to purchase and own mineral lands, and to open, and work iron, copper, lead, and coal mines in any part of the State of Alabama.

**Name.** SEC. 22. *Be it further enacted,* That said corporation shall be known by the name of the Selma Iron Foundry Company; and in that name may sue and be sued, in any court of law or equity, and may purchase, hold and enjoy property, real and personal, and sell and convey the same at pleasure, and contract and be contracted with, in the same manner as is usual to corporations of like character, kind or description, in any amount the body corporate may deem necessary to carry all the objects of said corporation into full force and effect.

**As to By-laws.** SEC. 4. *Be it further enacted,* That said corporate body shall have power to ordain and establish such by-laws, rules and regulations, for the government and conduct of its officers, and agents, as it shall deem appropriate to its business, not in conflict with the laws and constitution of the State of Alabama, and the Confederate States.

**Of what capital stock may consist.** SEC. 5. *Be it further enacted,* That the capital stock of said company may consist of the property in Selma, Dallas county, Alabama, now held by said C. J. McRae,

and his associates, consisting of five acres of land, more or less, with the buildings and machinery thereon, and thereto appertaining, together with all personal property, owned by said association, and such other real and personal estate of said company, and their future associates and assigns, may think proper and necessary to purchase for the use of their said business, not exceeding in amount the capital stock of such association, and said stock may be valued, by said company, at such sum as they may determine on, and divided into shares of one hundred dollars each, but the capital stock of said association, or body corporate, shall never exceed two million of dollars.

Shares each.

Limit of capital stock.

Approved December 5, 1862.

No. 110.]

## AN ACT

To incorporate the Bibb County Iron Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That C. C. Huckabee, Newton Smith, Gray Huckabee, — — — Wilson, A. S. Huntington, and W. M. Smith, together with such persons as now are, or may hereafter be, associated with them, for the purposes hereinafter expressed, are hereby constituted a body corporate, with power of continual succession to them, their heirs and assigns, with power to sue and be sued, contract and be contracted with, to hold, alien and convey, buy and receive lands and tenements, and machinery, and personal property generally, to have and to use a common seal, and the same to change or alter at their pleasure, to make and to execute contracts, promissory notes, drafts and bills of exchange, and other obligations under seal, and not under seal, and with or without their corporate seal, all of which shall bind the property and all the interests of said corporation.

Incorporators.

Powers.

SEC. 2. *Be it further enacted,* That said corporation, being located in the county of Bibb, shall be known by the name of the Bibb County Iron Company, and in that name may sue and be sued, in any court of law or equity in this State, and may purchase, hold and en-

Name of Company.

joy property, real or personal, and sell and convey the same at pleasure, and contract and be contracted with, in the same manner and to the same extent as is usual to corporations of like character, kind or description, in any amount the body corporate may deem necessary to carry all the objects of said corporation into full force and effect.

As to its man-  
ufactures.

SEC. 3. *Be it further enacted*, That said corporate body shall have power to manufacture pig metal from their iron ore, at the furnaces they have now erected, and may hereafter erect; and said pig metal to be manufactured into iron of any description, and into any and every thing made of iron.

As to By-laws.

SEC. 4. *Be it further enacted*, That said corporate body shall have power to ordain and establish such by-laws, rules and regulations, for the government and conduct of its officers and agents, not inconsistent with the laws of this State and the Confederate States, as it shall deem appropriate to its business.

Of what capital  
stock to consist.

SEC. 5. *Be it further enacted*, That the capital stock of said company may consist of the property, real and personal, in Bibb county, now held by the parties named in the first section of this act, situated not far from Bibb station, on the Alabama and Tennessee River Rail Road, consisting of five thousand acres of land, more or less, on which their furnaces are being erected, and also the personal property thereon, and it may consist of such other property and money as may hereafter be associated and connected therewith by said company, and their associates or assigns, and said stock may be valued by said company at such sum as they may determine on, and divided into shares of one hundred dollars each, but said capital stock shall never exceed in value the sum of twelve hundred and fifty thousand dollars.

Shares each.

Limit of stock.

Extent of indi-  
vidual liability.

SEC. 6. *Be it further enacted*, That the individual liability of any stockholder shall not extend beyond the amount of stock owned by him; but each stockholder shall be liable to that extent, out of his private property, for any debt or defalcation created, or incurred during the time he was a stockholder.

Acceptance of  
charter shall vest

SEC. 7. *Be it further enacted*, That the acceptance of this act of incorporation, by the Bibb County Iron Company, shall vest in said company, under its new name and character, all the powers and privileges, and

rights of property, and claims of every kind, now held, owned, or employed by said Bibb County Iron Company; and subject it in like manner to all the duties, obligations, contracts and liabilities of every kind, now resting upon said Bibb County Iron Company, and said acceptance may be lawfully signified by a resolution of the board of directors, entered on their minutes.

Approved November 19, 1862.

No. 111.]

## AN ACT

To incorporate Hale & Murdock's Iron Company, of Fayette county, Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Harrison Hale, Abraham Murdock and Samuel Wolff, and their associates or assigns, be and they are hereby created a body politic and corporate, under the corporate name of Hale and Murdock's Iron Company, and by that name may sue and be sued, plead and be impleaded in any court of law or equity. Incorporators.  
Name.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall not exceed five hundred thousand dollars, divided into shares of seventy-five dollars each. Capital stock.

SEC. 3. *Be it further enacted,* That said company shall be, and they are hereby authorized to manufacture iron from the ore, to refine the same, or to make generally any or all kinds of iron or iron wares. Its manufactures

SEC. 4. *Be it further enacted,* That said company shall be authorized to make all needful by-laws for the management of its business, property or effects, and the transfer of its stock, as in the judgment of said company may seem best: *Provided,* the same are not inconsistent with the laws of this state, or the Confederate States. As to By-laws.

SEC. 5. *Be it further enacted,* That said company shall be authorized to purchase, hold and enjoy such an amount of real estate as to them shall seem for their interest, not exceeding ten thousand acres. As to real estate.

SEC. 6. *Be it further enacted,* That whereas, the said company has erected in the county of Fayette in this

state, and on section 20, township 15, range 15, west, a blast furnace, that it shall not be lawful for any person or persons to sell spirituous or vinous liquors within a distance of five miles from said furnace, in less quantities than five gallons, and that any person or persons so offending shall, upon conviction, be liable to the penalties now or hereafter provided for retailing liquors without license.

Approved November 8, 1862.

No. 112.]

## AN ACT

To amend the charter of the Shelby County Iron Manufacturing Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act entitled "an act to incorporate the Shelby county iron manufacturing company," approved February 4th, 1858, be and the same is hereby amended as hereinafter enacted.

Name changed.

SEC. 2. *Be it further enacted,* That the name and style of said company be, and the same is hereby changed, so as to be called and styled "the Shelby Iron Company," and that the persons now acting as incorporators under said act, to-wit: Horace Ware, of Shelby county, and his associates, to-wit: John M. McClanahan, John R. Kenan, Henry H. Ware, Andrew T. Jones, John W. Lapsley, and James W. Lapsley, and their associates, successors and assigns, are hereby recognized and declared to be a lawful incorporation, under the name and style of the "Shelby Iron Company," and as such are declared, with all the rights, powers and privileges granted in and by the act aforesaid, and this amendatory act.

Present parties  
a lawful incorporation.

May elect board  
of Directors.

What the board  
may do.

SEC. 3. *Be it further enacted,* That said company shall have the right, in such manner and at such time or times as they may deem proper, to elect out of their number a board of directors, to consist of such number as the company may prescribe, to be increased or diminished at the pleasure of the company. Said board, when elected, shall have the right to elect one of their number president of the board and of the company,



the term of whose office will be commensurate with that of the directors electing him. Said board (subject always to the control of the company, acting in meeting,) shall have the supervision and management of the business and affairs of the company, with power to elect or appoint all officers of the company, in addition to the president, and to define and prescribe their qualifications and duties, and to make, and alter at pleasure, all rules, regulations and by-laws deemed proper and needful, not inconsistent with the constitution and laws of this state or of the Confederate States.

Sec. 4. *Be it further enacted*, That each member of the corporation shall, at all meetings of the stockholders, be entitled to one vote for every share of stock owned; and to constitute a meeting of the stockholders for the transaction of business, a majority of the stock of the company shall be represented by the stockholders in person, or by proxy duly appointed in writing; the company, thus acting, shall have power to admit new members on such terms and conditions as may be prescribed, and to increase the amount of stock as may be desirable: *Provided*, the same shall not exceed two millions dollars.

As to voting and quorum.

Proviso as to capital stock.

Approved November 20, 1862.

No. 113.]

## AN ACT

To incorporate the Mobile and Three Mile Creek Plank Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William F. Cleveland, James Meaher, John Morgan Brown, Price Williams, John F. Rawles, and their associates, be and they are hereby created a body corporate, by the name and style of the Mobile and Three Mile Creek Plank Road Company, and by that name may sue and be sued, and have, hold and own in their corporate name, property not to exceed in value over the sum of twenty thousand dollars.

Incorporators.

Name.

Limit as to property.

SEC. 2. *Be it further enacted*, That said company be, and they are hereby authorised to grade and plank the road leading from Mobile, in the city and county of

Powers.

Mobile, Alabama, in a northerly direction, known as the telegraph road, which said plank road shall commence on the north side of one mile creek, (or bayou Marmot,) thence along said telegraphic road through the swamp, northwardly, to the south side of three mile creek; said road to be graded and planked twenty feet wide, with good heart plank, at least three inches thick. And said company are to keep said road in thorough repair at all times for public travel, for which they are hereby authorised to charge and collect a reasonable toll; that if said company shall allow said road to get out of repair, or so as to be dangerous to travel for thirty days at any time, this charter may be declared forfeited, by the grand jury of said county.

**Further powers,** SEC. 3. *Be it further enacted,* That said company be, and they are hereby authorised to straiten said road, if need be, also to take dirt from the adjacent lands to grade and perfect said road for reception of planking.

**May open books, &c.** SEC. 4. *Be it further enacted,* That said corporation named in this charter be, and they are hereby authorised to open books for stock in said road, and that the shares shall be one hundred dollars each, and each party subscribing shall at the same time pay down in cash the sum of ten dollars per share upon the same; that when a sufficient amount of stock has been subscribed, as in the opinion of said corporators shall be sufficient to build the same, they shall call a meeting of stockholders, and elect three of their number as a board of directors, one of whom may be chosen by said board to act as president; they shall hold elections annually, and make reports of the condition of the monetary affairs of the road. The board elected shall hold office until their successors are duly elected. Said board shall have power to pass all by-laws, rules and regulations for said corporation, which they may think necessary, and elect or appoint all such agents as they may need, so that nothing is done to conflict with the state or Confederate laws.

**Regulation.**

**Penalty for damaging or obstructing.** SEC. 5. *Be it further enacted,* That if any person shall wilfully or intentionally damage or obstruct said toll gate, or house, belonging to said road and company road, they shall be subject to fine and imprisonment, at the discretion of the jury trying the same; also that any person who shall wilfully and intentionally travel said road, and fail or refuse to pay the toll charged upon the

same, every such person shall be liable to five dollars damages, on a summons to appear before any justice of the peace, who may try said case and award said damages, for the use of said company, and the cost of said suit.

SEC. 6. *Be it further enacted*, That said company are hereby authorised to borrow money, upon the faith of said road, and may mortgage the same therefor; that any promissory note or bill of exchange made by the treasurer of the board and countersigned by the secretary, as such, in their official character, when sued upon and judgment had, shall create a lien upon said road, for which the same may be sold if said debt is not paid.

May borrow money, &c.

SEC. 7. *Be it further enacted*, That said road is hereby authorised to procure, by purchase or by valuation of a jury of seven disinterested persons, at least two acres of land at each end of said road, for the erection of toll houses, gates, toll gatherers' residence, and may build suitable houses for the same.

May purchase 2 acres at each end.

SEC. 8. *Be it further enacted*, That the stockholders shall only be liable for the amount of stock each one may subscribe, and the board of directors shall make all rules necessary for transfer of stock; but no stockholder shall be authorised to dispose of his stock whilst indebted to the company.

Liability of stockholders.

SEC. 9. *Be it further enacted*, That at any annual meeting the stockholders may require of any of its officers, or the board of directors may also require of any of its officers, bonds, with security, for the faithful performance of their duties in office, and in the event of a failure or forfeiture, may be sued and recovered upon.

Board may require bonds.

SEC. 10. *Be it further enacted*, That said company must build and complete said road within two years from the approval of this bill, or this charter shall be null and void.

Must complete in ten years.

Approved November 7, 1862.

No. 114.]

AN ACT

To incorporate the Chewackla Lime Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Incorporators.

*connected*, That Charles T. Pollard, Samuel G. Jones, and William C. Yonge, their associates, and such other persons as may hereafter be associated with them, and their successors be and they are hereby constituted a body corporate, in fact and in name, under the style of the Chewackla Lime Company, and by that name shall be and are hereby made able and capable in law to have, purchase, receive, possess and enjoy, and realize to them and their successors, lands, rights, tenements, hereditaments, goods, chattels and effects, in any amount the body corporate may deem necessary to carry all the objects of said corporation into full force and effect; which objects are to mine lime rock and manufacture the same, and to keep up and run such machinery as may be necessary to saw lumber and make barrels for the packing of said lime, and the same to sell, devise, grant, alien and dispose of, to sue and be sued, to plead and be impleaded, to answer and be answered, defend and be defended in all courts having jurisdiction, to make, use and have a common seal, and the same to break, alter and renew at pleasure.

Powers.

May prescribe  
number of shares

SEC. 2. *Be it further enacted*, That said body corporate shall have the privilege of prescribing the amount of capital stock of said company, and the number of shares into which it shall be divided, the mode in which it shall be taken, paid, transferred or assigned, and also to provide the mode by which stockholders may vote; to authorise, establish and put into execution such by-laws, ordinances and regulations as they may deem necessary and expedient for the government of said corporation, not being inconsistent with the laws of Alabama or of the Confederate States of America, and in general to do and execute all and singular the acts, matters and things which may be necessary to make lime and sell the same: *Provided*, that nothing contained in this act shall be so construed as to authorise said company to do anything like banking.

Proviso.

Approved December 9, 1862.

No. 115.]

## AN ACT

To incorporate the Southern Express Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That C. M. Furman, C. V. Chamberlain, S. C. J. A. Harman, B. F. Ficklin, Va.; F. W. Dillard, Incorporators. John E. Bacon, Ga.; Thomas H. Watts, George W. Campbell, James R. Powell and N. J. Scott, Ala., and their associates, successors and assigns, be, and they are hereby declared, to be a body corporate and politic, by the name of the Southern Express Company, for the Name. purpose of an express transportation business, and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in any court of law and equity whatsoever, and may make and have, and use a common seal, to be changed at pleasure.

SEC. 2. *Be it further enacted,* The capital stock of Capital stock. said company shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and in case the said capital stock be found insufficient for its purposes, such company may increase its May be increased capital stock, from time to time, to such amount as may be deemed necessary, for the purpose aforesaid, not exceeding one million of dollars; such increase must be sanctioned by a vote, in person, or by proxy, of two-thirds in amount of stock of the company present, or represented, at a meeting of such stockholders.

SEC. 3. *Be it further enacted,* The said company may When to commence business. commence business as soon as its capital stock is fully subscribed, and fifty thousand dollars of the same paid up; and on such subscriptions being made, any five subscribers to said stock may call a general meeting of the stockholders of the said company, by serving a notice, signed by them, of the time and place of such Notice how given. meeting, twenty days at least before the time of holding the same, on each stockholder, personally, or by leaving it at his residence, or by putting the same in the post office at Charleston, S. C., directed to him at his usual, or reported, place of residence, and paying the postage thereon: *Provided, however,* That any other mode or time of calling said meeting shall be lawful, if two-thirds of the stockholders consent thereto in writing, or are represented thereat, at the meeting con-

Number of directors.

vened as aforesaid, the said company shall elect, by a majority of votes then present or represented, not less than five, nor more than nine persons, being stockholders of the said company, to act as directors of the said corporation, who shall represent the said company, and manage the business thereof; vacancies in the board of directors shall be filled in such manner as shall be prescribed by the by laws of the corporation.

Officers.

SEC. 4. *Be it further enacted*, At the first meeting of the said board of directors, after their election, they shall elect one of their number as president of the said corporation, and may elect a vice-president, and such other officers as they may deem advisable; the directors of this company shall hold their offices for one year, and until their successors are elected.

How, in case of failure to elect.

SEC. 5. *Be it further enacted*, In case it shall at any time happen that an election of directors be not made at the time designated, or on the days when, by the by-laws of said company, it ought to be done, it shall and may be lawful to hold the same on any other day designated by said company, and in case any annual meeting of stockholders shall not be held, by reason of neglect of the directors, it shall be in the power of any stockholders, holding one hundred shares of the capital stock, to call such meeting, for the purpose of electing directors and other purposes, by giving the notice hereinafter prescribed, and for that purpose they shall have access to the stock list, and transfer books of said company, and all information necessary to the giving such notice.

Powers.

SEC. 6. *Be it further enacted*, That the directors of such company shall have power to make and prescribe such by-laws and regulations as they shall deem proper, respecting the management and disposition of the property and estate of such company, the duties of the officers, agents, artificers and servants by them to be employed; to appoint such and so many officers, clerks and servants, for carrying on the business of said company, and with such salary or wages as to them shall seem reasonable: *Provided, however*, That such by-laws be not inconsistent with any existing law of the State or Confederate government.

Proviso.

Powers as to expressing.

SEC. 7. *Be it further enacted*, The said company shall have power to do an express transportation business, by land or by water, for the carrying of goods, wares,

and merchandise of all kinds, gold and silver coin, bank notes, and generally all such other descriptions of conveyance of property as may be required or advisable, from, to and between any place in the Confederate States, by their own conveyance, or those of other persons; and to create and organize branch agencies for the same purpose, and to hire, establish and maintain storehouses, warehouses, and other buildings, and to purchase lands to build thereon such storehouses, warehouses, and other buildings, as may be required for the safe keeping of any thing intrusted to them for conveyance; and shall have power to indemnify themselves by insurance against loss or damage by fire, or the risk of navigation in the transportation of any goods, wares, merchandise, or other property in their custody, received by them for transportation, or held by them as their property: *Provided*, That this act shall not be so construed as to give said Southern Express Company any right or authority to build, purchase, occupy or establish any rail road or steamboat line, except to be employed between any port in the Southern Confederacy and foreign ports, or other like means of transportation; nor shall the same be so construed as to require any rail road or steamboat line, established in part or in whole, within the limits of the Confederate States, to do or perform transportation service, as herein contemplated, for or on account of the said Southern Express Company.

SEC. 8. *Be it further enacted*, The principal office of said company shall be kept at Charleston, S. C., unless the same be changed by a vote of two-thirds of the directors, at a meeting called for that purpose, to any other place in the State, and the said company may establish as many branch, or local, offices as their business may require. *Principal office.*

SEC. 9. *Be it further enacted*, The regular meeting of the board of directors of said company shall be held at the principal office of said company, or at such other place in the State as the by-laws or board of directors may designate, but said company may hold special meetings of its directors, for the transaction of business, at any place which the by-laws of said company may designate, or which the majority of the directors, with the approval of the president, may appoint. *As to regular meetings.*

SEC. 10. *Be it further enacted*, If the said company

May sell un-  
claimed freight.

shall have had unclaimed freight or baggage, not perishable, in its possession for the period of at least one year, it may proceed to sell the same at public auction, after giving notice to that effect in one or more newspapers, published in the State, or at the place where such goods are to be sold, once a week for not less than four weeks, and shall also keep a notice of such sale posted for the same time in a conspicuous place in the principal office of the said company; said notice shall contain, as near as practicable, a description of such freight or baggage, the place and time, when and where, left, together with the name and residence of the owner of the freight or baggage, or person to whom it is consigned, if the same be known.

Disposition of  
such sales.

SEC. 11. *Be it further enacted*, All moneys arising from the sale of freight or baggage, as aforesaid, after deducting therefrom charges and expenses for the transportation, storage, advertising, commissions for selling the property, and any amount previously paid for advances on such freight and baggage, shall be paid by the company to the persons entitled to receive the same, and the said company shall keep books of record of all such sales as aforesaid, containing copies of such notices, proof of advertisements and posting, affidavit of sale, with the amount for which each parcel was sold, the total amount of charges against such parcel, and the amount held in trust for the owner, which books shall be opened for inspection by claimants at the principal office of the said company, and at the office where the sale was made.

Books of record  
of such articles.

Liability of  
stockholders.

SEC. 12. *Be it further enacted*, The stockholders in the said company shall be personally responsible for the amount equal to the amount of stock, held by each, for any loss of, or damage on, goods, moneys, or other property entrusted to the said company for transportation, and for any contract made, or liability incurred by them.

What necessary  
before going into  
operation.

SEC. 13. *Be it further enacted*, That no rights of franchise conferred by this act, shall invest until the minimum amount of capital is subscribed, and fifty thousand dollars actually paid, of which fact it shall be the duty of the company to inform the governor, in the same manner that the officers of a bank about to be put into operation are required to do, and when said company shall be organized and ready to go into oper-



tion, it shall be the duty of the presiding officer, and treasurer, to make a statement, upon oath, to the comptroller, of the amount of capital paid in, and to make a like statement every six months thereafter, with an additional statement of their profits, and gross receipts, and for failing to make such report, they shall forfeit and pay into the public treasury one thousand dollars for each failure, to be recovered by motion after ten days' notice.

SEC. 14. *Be it further enacted*, This act shall be subject to modification and repeal at the pleasure of the general assembly.

SEC. 15. *Be it further enacted*, Any action at law, or As to suits. suit in equity, against the said company, may be commenced by any person residing in this State, by personal service of process on the local agent or officer of said company, in charge of its affairs in the district in which such person considering himself aggrieved may reside, or in any district through which the line of transportation of said company may pass, if there shall be no local agent or officer in the district in which the person commencing such suit may reside: *Provided*, Proviso. That nothing herein contained shall be construed to prevent the commencement of any suit in equity, or action at law, in the manner heretofore provided by law: *Provided*, That this charter, or any of the privileges therein granted, shall not be sold, transferred, or merged in any other express company, under the penalty of forfeiture thereof, and that this charter shall expire after thirty years from the passage of this act. Not to be sold or transferred.

Approved December 4, 1862.

No. 116.]

AN ACT

To incorporate the Mobile and South-Western Railroad Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John A. M. Battle, F. B. Clarke, Lewis Frost, John Scott, C. C. Langdon, J. M. Withers, and C. K. Foote, with such other persons as shall associate with them for that purpose, are constituted a body po- Incorporators.

Name.

litic and corporate by the name of the Mobile and South-Western Railroad Company, and by that name to sue and be sued, plead and be impleaded: to make and have a common seal, and the same to break, alter and renew at pleasure; and this company is hereby vested with all the privileges, powers and immunities which are or may be necessary to carry into effect the purposes and objects of this act.

As to route.

Sec. 2. *Be it further enacted*, That said company is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad, with one or more tracks or lines of rails, from the city of Mobile to the dividing line between the states of Alabama and Mississippi, in a southwesterly direction, towards the city of New Orleans, and a branch of said railroad with one or more tracks to deep water in the bay of Mobile, on such routes as may be deemed most expedient, and to transport, take, carry property and persons on said railroad and branch by the power and force of steam, of animals, or of any other mechanical or other power, or any combination of them, which said company may choose to apply; and for the purpose of constructing said railroad and branch, the said company is hereby authorized to lay out its road throughout the length not exceeding one hundred feet wide, and for the purposes of depots, machine shops, warehouses, engine houses, water stations and wood sheds, and the buildings necessary for the business of the road, cuttings, embankments, and for the purpose

Width.

Grants to stone, gravel, and land.

Joint stock with other R. R. Cos.

Proviso.

of necessary turn-outs, and for obtaining stone and gravel, may take as much more land as may be necessary for the construction and security of said road and branch, with the permission to make any lawful contract with any other railroad corporation in relation to the business of said company; and also to make joint stock with any other railroad corporations: *Provided*, that all the damages that may be occasioned to any person or corporation by the taking of any such land or materials aforesaid, for the purpose aforesaid, shall be paid for by said company in the manner hereinafter provided.

Capital stock

Sec. 3. *Be it further enacted*, That the capital stock of said company shall be one million dollars, which may be increased from time to time to any sum not exceeding the entire amount expended on account of said

road and branch, to be divided into shares of one hundred dollars each, which shares shall be deemed personal property, and may be transferred in such manner and such places as the by-laws of said company may direct: Shares, each.  
*Provided*, that said company may commence the construction of said road with all the powers and privileges contained in this act, whenever the sum subscribed to the capital stock, shall exceed one hundred thousand dollars. Proviso. When may commence.

Sec. 4. *Be it further enacted*, That the board of directors of said company shall have power to require the payment of sums subscribed by stockholders, in such manner and at such times as they may deem proper, and on refusal or neglect on the part of stockholders, or any of them, to make payment on the requisition of the board of directors, the shares of such delinquents may after thirty days' notice be sold at public auction, under such rules as said board of directors may adopt, the surplus money, if any remains after deducting the payment due, with the interest and the necessary costs of sale, to be paid to such delinquent stockholder. Board have power.

Sec. 5. *Be it further enacted*, That the persons named in the first section of this act shall, without delay, cause books to be opened for subscriptions to said stock, in such manner, and at such time and places as they shall direct. Books to be opened at once.

Sec. 6. *Be it further enacted*, That all the corporate powers of said company shall be vested in and exercised by a board of directors, and such officers and agents as they shall appoint; the board of directors shall consist of eight stockholders, who shall be chosen each year by the stockholders of said company; a majority of the directors shall be a quorum for the transaction of business; they shall annually elect one of their number to be president of the board, who shall also be president of said company; they shall also annually elect one of their number to be vice president of the board, who will act as president whenever required; they shall also annually choose a secretary, and such other officers as they may deem necessary, and a treasurer, who shall give bond with security to said company in such sums as the directors may require for the faithful discharge of his trust. Board of directors, &c. Officers.

Sec. 7. *Be it further enacted*, That the persons named in the first section of this act, or a majority of them,

First meeting.

As to votes.

In case of failure to elect, another election to be held.

Tenure of office.

As to by-laws, &amp;c.

As to real estate, &amp;c.

are hereby authorized, after the books of subscription to the capital stock of said company are closed, or when the sum subscribed shall exceed one hundred thousand dollars, to call the first meeting of the stockholders of said company in such way, and at such time and place, as they may appoint for the choice of directors of said company, and in all meetings of the stockholders of said company, each share shall entitle the holder to one vote, which vote may be given by said stockholder in person, or by lawful proxy, and the annual meeting of the stockholders of said company for the choice of directors, shall be holden at such time and place, and upon such notice, as said company may in their by-laws provide.

SEC. 8. *Be it further enacted*, That in case it shall so happen that an election of directors shall not be made on the day appointed by the by-laws of said corporation, said company for that cause shall not be deemed to be dissolved, but such election may be holden on any subsequent day which the then existing directory may appoint; the directors elected are to continue in office until their successors are elected and qualified; vacancies in the board shall be filled by a vote of two-thirds of the directors remaining, such appointees to continue in office until the next annual regular election of directors.

SEC. 9. *Be it further enacted*, That the directors shall have full power to make and prescribe such by-laws, rules and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estates and effects of said company, not contrary to this charter or the laws of this State, or of the Confederate States, the transfer of shares, the duties and conduct of their officers and servants; touching the meeting of directors, and all matters whatsoever which may appertain to the concerns of said company; said company is also hereby authorized to purchase and hold such estate as may be necessary and convenient in accomplishing the object for which this incorporation is granted, and may by their agents, surveyors, engineer and servants, enter upon all lands and tenements through which they may deem it necessary to make said road and branch, or upon which it may be necessary to create depots, warehouses, machine shops, wharves, engine houses, water stations, wood sheds,

platforms, and other requisite buildings and structures, for the business of the road and branch, and upon lands that may be necessary for cuttings and embankments, for necessary turnouts and stations, and for stone, gravel work and timber, and to survey, lay out and construct the same, and to agree and contract for said lands to be used as aforesaid with the owners thereof in case the said lands belong to the estate of any deceased person, then with the executor or administrator of such in case of the same belonging to a minor, or a person *non compos mentis*, then with his or her guardian or guardians, or in case said lands be held by trustees of school sections or other trustees of estates, then with such trustees and the said executors, administrators, guardians or trustees, are hereby declared competent for such estate or minor, to contract with said company for the right to use, occupy and possess the lands of such estates, minors or trustees to be used as aforesaid, and the act and deed of such executors, administrators, guardians or trustees in relation thereto, shall pass the title in said land in the same manner as if the said deed or act was made or done by a legal owner of full age; and such executor, administrator, guardian or trustee shall account to those interested upon their respective bonds for the amount paid him in pursuance of such agreement and composition, and if the said company and parties representing lands prefer, they may refer the question of arbitration to arbitrators mutually chosen, whose award or that of their umpire, in case of disagreement, shall vest title according to its terms.

Proceedings as  
to lands.

SEC. 10. *Be it further enacted*, That if the said company cannot agree with the owner of the land, which they desire to use as aforesaid, or with the executor, administrator, guardian or trustee, it shall and may be lawful for the clerk of the circuit court of the county in which said land lies, on application of said company or its agents, and he is required to issue a writ of *ad quod damnum*, commanding the sheriff that without delay he cause a jury of six good and lawful men to be upon said land on a day to be by said sheriff fixed and appointed, and whereof it shall be his duty to give notice to the owner, executor, administrator, guardian or trustee, at least five days before such day, if they be within his county, or if not, or if the owner or owners be unknown, the notice shall be given by advertise-

Procedure, if no  
agreement with  
owner.

ment, to be by said sheriff posted and fixed on the dwelling house, if such there be, or in a public or conspicuous place, at least five days before such appointed day, and also by advertising the same in some newspaper published nearest to the land, at least three weeks by weekly insertions prior to said day, and then cause said jury after being duly sworn by said sheriff or justice of the peace to make true inquest of the damages that will be sustained by such owner or estate by reason of making such road or branch through such land: if any juror shall fail to appear, or by reason of challenge for, cause or otherwise fail to sit on such inquest, the said sheriff shall fill said jury from the bystanders, and if they fail to render a verdict, the said sheriff shall on the same day or subsequent day empannell a new jury or persons until a verdict be had, such verdict or inquest regularly certified by such sheriff shall be returned to the office of the clerk of the circuit court of the county in which said land may be, and there remain among the records; and such verdict shall vest in said company the right to occupy and use said land for the purposes of said railroad and branch on the payment or tender of payment of the damage then assessed against such company, and in case of persons absent or unknown as aforesaid, the placing of the amount of damages to the credit of the owner in the hands of the judge of probate of the county in which such lands lie, shall be deemed and taken as payment, and such judges shall be liable on their bonds to make due payment of said money on demand.

**Duty of sheriff.**

SEC. 11. *Be it further enacted,* That it shall be the duty of the sheriff to appoint and hold said inquest within ten days after the receipt of said writ *ad quod damnum*, except in case of absence as aforesaid, in which case thirty days shall be allowed him, and five days additional are allowed him for every additional jury which he may have under said writ; and for every default therein, that said sheriff shall be fined by the circuit court, at the instance of either party, not less than twenty or more than one hundred dollars, and every juror and witness so summoned, unless excused by the circuit court, shall be fined not more than ten dollars for non-attendance, and all such fines, as well as costs, the circuit court of the county shall have jurisdiction; there shall be allowed the following fees to the clerk of

the circuit court: for every writ of *ad quod damnum*, seventy-five cents; for receiving and filing inquest, seventy-five cents; to the sheriff for giving notice, seventy-five cents, besides printer's fees, not exceeding two dollars; in each case for holding inquest, five dollars, and summoning witnesses, twenty-five cents each; to jurors seventy-five cents each per diem, which are not allowed until a verdict be returned and filed, and shall be taxed in the bill of costs and paid by the company: *Provided, however,* that before application for said writ the said company may make a tender to the owner or owners of any such lands a sum of money by the deemed equivalent to the damage to be sustained, and upon refusal to accept the sum tendered, and a verdict for the same amount, or less sum, the costs shall be taxed to and paid by the owners of the land on which the inquest is held.

Fee of clerk of court and sheriff

Provide.

Sec. 12. *Be it further enacted*, That either party may appeal to the next circuit court within thirty days after the assessment, by application to the clerk of said court, and giving security for the prosecution of such appeal, and in case the same is taken by the corporation for the judgment which may be rendered against it on appeal.

As to appeals

Sec. 13. *Be it further enacted*, That the trial of such appeal shall be *de novo*, and if the corporation is the appellant and the damages assessed is equal to or greater than found on the previous inquest, the appellant must pay the costs and the court may award damages not exceeding ten per cent., if of opinion that the appeal was taken merely for delay.

Trial of appeals

Sec. 14. *Be it further enacted*, That in case the appeal is not taken by the corporation, and the appellant does not recover more damages than was assessed to him in the previous inquest, judgment for costs must be given against him; in such appeals, when the judgment is against the appellant, execution may issue against his security.

Execution may issue.

Sec. 15. *Be it further enacted*, That the operations of said railroad company in surveying, locating and constructing the roads, or other work, shall in no wise be delayed on account of the proceedings had as aforesaid.

Operations of company not to be delayed.

Sec. 16. *Be it further enacted*, That whenever it shall be necessary for the construction of their railroad, branches or ways, to interdict or cross any stream or watercourse, or any road or highway, it shall be lawful

Powers as to crossing streams

for said company to construct across or upon the same; but the said company shall re-establish said stream or water course, road or highway, thus intersected, in such a manner as not to prevent passage thereon, and in all cases where any road or public highway is located, that said railroad and branch cannot be judiciously laid out and constructed across or upon the same without interfering therewith, in such case or cases said corporation may by their engineer cause such road or roads to be changed or altered in such manner that said railroad and branch may be made on the best site of ground for that purpose: *Provided*, said corporation shall put such road in as good repair as at the time of changing or altering the same.

Power as to tolls.

SEC. 17. *Be it further enacted*, That the directory shall have full power to establish such rates of tolls for the conveyance of persons and property upon the railroad and branch as they shall from time to time deem proper, and to levy and collect the same for the use of said company; all matters and things respecting the use of said railroads and branch, and the conveyance of passengers and property, shall be in conformity to such rules and regulations as said board of directors shall from time to time determine.

May cross navigable waters.

SEC. 18. *Be it further enacted*, That the said Mobile and South-Western Railroad, and its branch, may cross the navigable waters of the Bay of Mobile, at one or more points, with bridges or any other description of work.

Right of way through public lands.

SEC. 19. *Be it further enacted*, That in case the said railroad and its branch should cross any of the lands belonging to the state of Alabama, the right of way through said lands, one hundred feet wide, is hereby granted for said railroad and branch to said company free of charge, and in case of cuttings and embankments, gravel earth, warehouses, engine houses or other necessary buildings, and of turn-outs, and as much more land as is necessary, is hereby granted free of charge.

Power to issue bonds.

SEC. 20. *Be it further enacted*, That for the purpose of raising funds, from time to time, for the construction for said rail road and its branch, and the purchase of iron and other materials to be used thereon, said company are hereby authorised to issue, negotiate, pledge, hypothecate and sell its bonds, in sums and at rates of



interest which may be deemed most expedient by the board of directors, the payment of the principal and interest of the bonds to be secured as the board of directors may think best.

SEC. 21. *Be it further enacted*, That when any portion of the stock subscribed to said rail road company shall be called for, by the directions of the board of directors, and notice of said call shall have been given for more than thirty days, that such call has been made, and specifying the per centum of stock so called for, and the time when payment is required, either by personal notice to the stockholders, or by publication in some newspaper published in the city of Mobile, if any stockholder shall fail to pay the call so made at the time required, such stockholder may be proceeded against by a motion made in the circuit court of the county of the residence of said stockholder, for the amount of stock so remaining unpaid; which motion shall be in writing, signed by an attorney at law, and shall set forth the call so made, notice given, the amount of stock subscribed by said stockholder, and the amount remaining unpaid upon such stock so called for, and the term of the court at which the motion will be made; the sheriff of the county shall serve the notice and make his return thereon, and for his services shall be entitled to the same fees that are allowed sheriffs for like services in the execution of summons and complaints under the general law. The clerk shall docket the case in its proper order, and for his services in this case shall be allowed the same fees to which he is entitled for like services in other cases under the general law. If the motion so made is executed more than twenty days before the term of the circuit court to which it is returnable, the case shall stand for trial at the first term after its issuance; if executed within twenty days before such term, it shall not stand for trial until the next ensuing term of said court. All the rules of pleading and evidence applicable to actions of assumpsit, under the Code of Alabama, are applicable to proceedings under this section of this act, except that the certificates of the secretary of said company, accompanied with the seal of the company, shall be evidence of the organization of the company, of the by-laws, rules and regulations, and of the proceedings of the company, of the calls made, from time to time, by the action of the

As to calls for stock.

Proceedings.

directors of the company, and of the amount subscribed to the stock thereof by any stockholder, and the amount due and unpaid on such subscription at the time such call was made or became due; and upon the production of such certificate, if no plea is entered by way of defense, or if the plea is withdrawn, the court hearing such motion, shall enter judgment final by default, or *nil dicat*, as the case may be, for the amount so certified to be due with interest thereon: such certificate shall be evidence on the trial of any issue joined upon such motion, unless the defendant makes oath at the time of filing his plea, that he believes the plea to be true, and gives notice that other evidence will be required; but in all cases the defendant may adduce lawful proof to contradict such certificate. All issues of fact joined upon such notice, are to be tried as other civil actions by jury.

Security for costs.

SEC. 22. *Be it further enacted*, That in all proceedings commenced under the provisions of this act, security for cost must be lodged with the clerk of the circuit court of the county in which the suit is instituted, before such proceeding is commenced.

As to change of venue.

SEC. 23. *Be it further enacted*, That in all cases commenced under the provisions of section 21 of this act, either party may have a change of venue, to the nearest county free from exceptions, upon application made, and sufficient cause shown by affidavit, as in ordinary civil cases.

As to construction of road.

SEC. 24. *Be it further enacted*, That the Mobile and Southwestern Rail Road Company shall have full power to make all lawful agreements, or negotiations, with any other rail road company within or without the limits of this state, for the purpose of constructing, maintaining and operating a continuous rail road or rail roads from Mobile to New Orleans, in and through the states of Alabama, Mississippi and Louisiana.

When to commence.

SEC. 25. *Be it further enacted*, That this company shall commence the construction of the rail road within three years from the date of the declaration of peace between the Confederate States and the United States of America, otherwise this charter shall be forfeited.

SEC. 26. *Be it further enacted*, That all laws contravening the provisions of this act are hereby repealed.

Approved December 5, 1862.

No. 117.]

## AN ACT

In relation to the Selma and Gulf Rail Road Company  
and the Broad Street Hotel Company of Selma.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whereas, the work of the Selma and Gulf Rail Road Company, and the Broad Street Hotel Company of Selma, both organized and acting heretofore under charters granted by this state, has been suspended in consequence of the existing war; and whereas, it is difficult or impracticable, in consequence of the absence of stockholders in the army, and unnecessarily expensive to keep up regular organization and action in said companies, the organization and chartered rights and privileges and franchises of said companies shall in no wise be impaired by their failure or omission to elect directors or other officers, or to hold meetings of their boards of directors respectively, or to prosecute their work, or to do other business during the continuance of the existing war; but the organization, chartered rights and franchises of said companies, respectively, shall be and remain unimpaired, notwithstanding such failure or omission: *Provided, however,* that said companies, respectively, shall within eighteen months after the ratification of peace, (if not done before,) in good faith resume and prosecute the work pertaining to said companies respectively, under their respective charters.

Preamble.

Rights, &c., not  
impaired

Proviso.

Time of ratifica-  
tion.

Approved, Dec. 6, 1862.

No. 118.]

## AN ACT

To extend the charter of the Alabama and Tennessee  
River Rail Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That to enable the Alabama and Tennessee River rail road company of this state to comply with the enactment of the congress of the Confederate States, making provision for the construction of a rail road

Charter extend-  
ed, and for what.

from Blue Mountain, in Alabama, to Rome, in Georgia, as a military necessity, it being understood that the president of the Confederate States, to whom the arrangements for the construction of said rail road is committed by the act of congress aforesaid, desires the said Alabama and Tennessee River rail road company to construct so much of said rail road as is to be constructed in this state; the charter of the said rail road company, as granted by this state, is hereby so amended and extended as to give to the said company the right of extending and constructing a branch rail road, as a branch of their main rail road, (and connected therewith,) from Jacksonville, in the direction of Rome, in Georgia, to the line of the State of Georgia, then to connect with a rail road to be constructed within the state of Georgia, from a point at or near Rome, so as to comply with the requirements of the congress of the Confederate States under the aforesaid enactment.

Rights, &c., pertain.

SEC. 2. *Be it further enacted*, That all the rights, powers and privileges conferred upon the said rail road company by any act or acts of this state, shall pertain to and include the route which may be chosen by said company for the construction of the rail road authorized by this act, and to said rail road while in course of construction, and when completed as the property of said rail road company; including the right to receive by donation, purchase, or otherwise, all lands needed for rights of way, depots, stations, and all other lawful purposes, and to have the same condemned as authorized by the act chartering said company, and the subsequent act amendatory thereof. And the said company shall have the right to take and appropriate any stone, timber, or other material needed in the construction and operation of said rail road, found on any public lands of this state, and all lands of this state required for road way or other necessary purposes in constructing and using said rail road, are hereby granted to said company.

What may appropriate.

Approved November 4, 1862.

No. 119.]

## AN ACT

To amend the charters of the Alabama and Tennessee Rivers Railroad Company, the Alabama and Mississippi Rivers Railroad Company, the Selma and Gulf Railroad Company, and the Western Railroad Company.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the charters of the Alabama and Tennessee Rivers Railroad Company, the Alabama and Mississippi Rivers Railroad Company, the Selma and Gulf Railroad Company, and the Western Railroad Company, be so amended as to authorize said railroad companies, or any two or more of them, or all of them together, to contract for and receive conveyances for land, stone, timber, wood, &c., for a common depot ground, and right of way to such depot, the depot for the use of all said railroads in the corporate limits of the city of Selma, or near and at a convenient distance therefrom: *Provided*, that if the owner or owners of said land and said corporations cannot agree upon the price or the owner is an infant, non-resident, or *non compos mentis*, it shall be lawful for said corporations, or any two or more of them, to apply jointly for a writ of *ad quod damnum* to the clerk of the circuit court of Dallas county, to be issued in the name of all the applicants, which writ, when so applied for, shall be issued by said clerk, directed to the sheriff of the county, commanding him to summon a jury of seven good and discreet freeholders of his county, not related to the owners of the land or the stockholders of said companies, to be and appear at such suitable and convenient place at an early day as he may designate, to assess the value of the lands specified in said writ of *ad quod damnum*, and the damages which the owner or owners may sustain by the construction of said depot of said companies, and direct or side tracks to such depot, and the right of way which may be required by said railroad; and in ascertaining and assessing the damages and proceedings necessary to be had on the trial by the jury, all the provisions of section 5, of an act to amend the charters of the Alabama and Tennessee Rivers Railroad Company, approved 10th Feb., 1852, which are appli-

Authority for  
common depot.

Provido.

In case of non-  
agreement. The  
proceedures

cable, are hereby re-enacted and made applicable to this act.

Jury must consider.

SEC. 2. *Be it further enacted*, That said jury in executing such writ shall take into consideration the advantages and additional value which the construction of said railroad may, or has given, to lands and other property of owners of the land embraced in such writ, adjacent and near to said depot and tracks, as well as the injury said lands and other property may sustain by its construction through, upon, or near which it may be constructed.

Title to vest in the companies so suing.

SEC. 3. *Be it further enacted*, That in the event any such proceedings by writ of *ad quod damnum* shall have been instituted by any two or more, and not all of said railroad companies, and the value of the lands so assessed shall be paid by the said corporations so instituting such writ, then the title to such lands so valued shall vest in the railroad companies so suing out such writ of *ad quod damnum*: *Provided*, that thereafter any other of said corporations who may not have joined in such writ, or may not have paid their proportion of the damages assessed, by paying their proportion of the damages and cost for the depot, together with their proportion of all expenses for improvements made upon such depot grounds, and interest thereon may become equal joint owners in such depot grounds, and shall have the right to sue out writs of *ad quod damnum* for extension of tracks to such depot under the same restrictions, except that it may be sued out in the name of one or more of said corporations as is provided in this act for suing out writs of *ad quod damnum* for the common depot grounds.

How other companies may become joint owners

As to title of land for tracks.

As to title of common depot ground.

SEC. 4. *Be it further enacted*, That when the said lands shall have been so condemned for depot and side or direct tracks, that the title to the land for tracks shall vest each in the railroad company, for whose use they are respectively designed, and the land for the depot shall vest in all the said railroad companies upon the conditions above provided, and the use of such portion of it shall be exclusive and such in common as shall be designated and agreed upon by said railroad companies, and in the event they cannot agree, then each part shall be exclusive and such in common as shall be right and equitable.

SEC. 5. *Be it further enacted*, That this act shall not

be construed to interfere in any way with the right of said railroad companies to depots and rights of way in the city of Selma, under their present charter. How not to be construed.

Approved November 28, 1862.

No. 120.]

## AN ACT

Supplemental and to amend an act to amend the charters of the Alabama and Tennessee Rivers Railroad Company, the Alabama and Mississippi Rivers Railroad Company, the Selma and Gulf Railroad Company, and the Western Railroad Company, approved November 28, 1862.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act of this legislature specified in the caption of this act, approved 28th November, 1862, be and the same is amended by striking out the final letter "s" where it occurs in the word "Rivers," after the word "Alabama and Tennessee," where they occur in said act, so as to read "the Alabama and Tennessee River Railroad company," the title of said company being misnamed in said act. Letter 's' stricken out.

Approved December 6, 1862.

No. 121.]

## AN ACT

To amend the charter of the Tennessee and Alabama Central Railroad Company, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That for the purpose of better developing the mineral resources of the State, the Tennessee and Alabama Central Railroad Company, or their lawful assigns, the Mountain Railroad Contracting Company, are hereby empowered to construct branch railroads, not to exceed ten miles in length, from any point which may be deemed advisable along the line of said railroad, and in all proceedings on account of right of way, and May construct a branch road.

land damages along the line of said road and branches, the same forms and proceedings, and the same rules and regulations, shall be observed as are prescribed for like purposes by the charter of the South and North Alabama Railroad Company.

Southern terminus of the road.

Sec. 2. *Be it further enacted*, That said Tennessee and Alabama Central Railroad Company, or their legal assigns, be and they are hereby authorized to locate the southern terminus of said road at any point on the Alabama and Tennessee Rivers Railroad, not exceeding seven miles east of Montevallo.

Approved November 20, 1862.

No. 122.]

AN ACT

To amend the Charter of the Planters' Insurance Co.

Lawful for board present to call a meeting, &c.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That when by reason of the absence of the president or directors of the Planters' Insurance Company from the State of Alabama, or in the military service of the Confederate States for more than two months, it may be necessary to elect a new president, or board of directors, it shall and may be lawful for such of the board of directors as are not so absent to call a meeting of the stockholders to elect a new board of directors, at such time and place as may be appointed.

Approved November 20, 1862.

No. 123.]

AN ACT

To amend the Charter of the Eufaula Home Insurance Company.

Additional privilege conferred.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in addition to the privileges granted the Eufaula Home Insurance Company, by an act approved Feb. 8, 1861, and an act amendatory of said act, ap-



proved Dec. 9, 1861, said company are hereby authorized to make such investments in the stocks of the Confederate States, or either of them, as it may deem necessary to carry on its legitimate business under its charter.

SEC. 2. *Be it further enacted*, That said company in the exercise of its privileges of a savings bank, shall be authorized and allowed to charge at the rate of 8 per cent. interest in all of its business, instead of the rate of interest now allowed it. Eight per cent. interest.

Approved December 1, 1862.



No. 124.]

### AN ACT

To amend "An act to incorporate the South Alabama Manufacturing Company," approved February 24th, 1860.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act entitled "an act to incorporate the South Alabama Manufacturing Company," approved February 24, 1860, be amended, by striking out the word "three," in the third line, and inserting the word "six." "six" in place of "three."

Approved December 1, 1862.



No. 125.]

### AN ACT

To amend "An act to incorporate the Gas Light Company of Selma."

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of the third section of said act as in these words, to-wit: "ordinarily charged in the cities between Charleston, S. C., and New Orleans, La., inclusive," be stricken out and repealed, and in lieu thereof be inserted the words following, to-wit: "as may be fixed by the board of directors, not to exceed eight dollars per thousand cubic feet for gas." As to price of gas.

Approved November 7, 1862.

No. 126.]

## AN ACT

To give to the Probate Judge or Probate Court of Autauga county jurisdiction over the estate of Thomas C. Daniel.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the probate judge or probate court of Autauga county is hereby invested with jurisdiction to grant letters of administration upon the estate of Thomas C. Daniel, deceased, and to make all orders and settlements necessary to a full administration and final settlement of said estate; and the jurisdiction of the probate judge or probate court of Dallas county over said estate, and its administration, is hereby transferred to the probate judge or probate court of Autauga county.

Approved December 6, 1862.

No. 127.]

## AN ACT

To authorise the Commissioners' Court of Autauga county to levy a special tax for the support of families of soldiers in the war.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners' court of Autauga county be authorised to levy a special tax, on all the taxable property in said county, for the purpose of supporting the families of soldiers in the army during the war.

Approved November 7, 1862.

No. 128.

## AN ACT

To change the Boundary Line between Bibb and Autauga counties, so far as to include the dwelling houses of S. H. Faulkner and T. L. Faulkner, in the county of Autauga.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the boundary line between the counties of Bibb and Autauga be, and is hereby altered, so as to include the dwelling houses of S. H. Faulkner and T. L. Faulkner, in the county of Autauga; but no further or other change of said line is to be made by this act.

Approved November 7, 1862.

No. 129.]

## AN ACT

To change the Boundary Line of the counties of Butler and Conecuh.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the boundary line between the counties of Butler and Conecuh be so altered as to include the dwelling house of Joseph J. Allen in the county of Butler.

Approved November 24, 1862.

No. 130.]

## AN ACT

To establish a Bridge across the Choctawhatchie River in Coffee county.

SEC. 1. *Be it enacted by the Senate and House of Representative of the State of Alabama in General Assembly convened,* That the bridge across the Choctawhatchie river, built by Register and Broxton, be and the same is hereby established by law. A certain bridge lawfully established.

SEC. 2. *Be it further enacted,* That no road leading to,

No road to be  
obstructed.

or from said bridge, shall be obstructed by putting any fence, or falling any timber in or across said road.

Approved November 26, 1862.

No. 131.]

## AN ACT

To change the time of holding the Chancery Court of Choctaw county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the chancery court of Choctaw county shall be held on Wednesday after the third Monday in July, instead of the time now prescribed by law.

Approved November 26, 1862.

No. 132.]

## AN ACT

To amend the Road Law in Choctaw county.

Who are liable.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That after the passage of this act, the following persons shall be liable to work on, clear out, and repair the public roads in the county of Choctaw, to-wit; all free white male persons between eighteen and forty-five years of age, and all male slaves and other male persons of color over sixteen and under sixty years of age.

Exceptions.

SEC. 2. *Be it further enacted,* That no person specified in this act shall be exempt from road duty, except ministers of the gospel, who are regularly engaged in their pastoral duties, and the apportioners on roads; said apportioners to be exempt only for each year that they actually and punctually serve as such, any law to the contrary notwithstanding.

Approved November 18, 1862.

No. 133.]

## AN ACT

To authorize the publications of Choctaw county to be made in the city of Mobile.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That after the passage of this act it shall be lawful for the officers of the different courts held in Choctaw county, as well as executors, administrators and guardians, to make publication in any newspaper printed in the city of Mobile, whenever there is no weekly newspaper\* printed within the limits of said county, any law to the contrary notwithstanding.

Approved November 20, 1862.

No. 134.]

## AN ACT

To provide for the election of county treasurer of Coosa county by the people.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the county treasurer of Coosa county shall be elected by the qualified voters of said county, on the first Monday in August, 1863, and every three years thereafter, and shall file his bond with the proper securities, and enter upon the discharge of his duties within ten days after said election. Election of treasurer by the people. Term of office.

SEC. 2. *Be it further enacted,* That should any vacancy occur in the said office of county treasurer, prior to the said first Monday in August, 1863, or at any time thereafter, the judge of probate shall convene the commissioners court of said county at as early a day as practicable, to fill said vacancy by appointment, which appointment shall be for the unexpired term and until the successor is duly qualified. How vacancy to be filled.

Approved November 26, 1862.

No. 135.]

## AN ACT

To amend an act entitled an act to amend the Mechanics' lien law of Dallas, Pike and Coosa counties.

Manner of enforcing a lien.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That any person having a lien under the provisions of the above entitled act, may enforce the same in the following manner: He may file a petition in the circuit court of the county in which the property is situated, upon which the lien is to be enforced, setting out the amount and nature of his debt for which he claims a lien describing the property on which he asserts a lien, stating the name or names of the owners or claimants of the property, and of the debtor, showing that his claim was presented and recorded as required by said act, and that the same, or some part thereof, within the jurisdiction of the court, remains unpaid, and praying for a sale of the property described to satisfy the debt on the filing of such petition; the clerk must issue notices thereof to all the persons named therein, as owners or claimants of the property described, and to the debtor requiring them to appear at the next term of the court, and show cause why the prayer of the petition should not be granted, which notices shall be served by the sheriff, or other proper officer; when the notices are returned executed, the parties notified may make any proper defence, by plea or answer to the petition, if no plea or answer be filed at the first term of the court after the return of the notices "Executed", the court may render judgment by default for the amount alledged in the petition, which may be proved to be dues, condemn the property described in the petition to be sold for the payment thereof, and the costs of the proceedings, and order execution accordingly, which execution shall run against the goods and chattels of the debtor, as well as against the particular property ordered to be sold; if a plea or answer be filed, an issue shall be made up under the direction of the court, which may be tried either by the court or jury, as the parties may agree, or by a jury, if the parties do not agree, and the court shall render judgment and award execution, in accordance with the verdict; but if the verdict and judgment be for the pe-

tioner, the execution shall run as above directed in case of judgment by default.

SEC. 2. *And be it further enacted*, That the fees of the clerk and sheriff, or other officer, for issuing and serving the notices required by this act, and for all other services rendered in the proceedings authorized by this act, shall be the same as in proceedings by complaint and summons to recover debts. Fees of officers under this act.

SEC. 3. *And be it further enacted*, That the remedy hereby given shall be cumulative merely, and any person having a lien under the provisions of the act of which this an amendment may enforce the same in a court of chancery notwithstanding this act. Remedy merely cumulative.

SEC. 4. *And be it further enacted*, That no proceeding or sale under the provisions of this act shall impair or destroy any prior or subsequent lien under the act of which this is an amendment. No prior or subsequent lien impaired or destroyed.

Approved November 8, 1862.

No. 136.]

## AN ACT

To authorize the Court of County Commissioners of Fayette and Morgan counties to levy a tax on Dogs.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the court of county commissioners of Fayette and Morgan counties, are hereby authorized, if they deem it expedient, to levy a tax on all dogs, over and above two, that may be owned by any family in said counties. Authority to levy.

SEC. 2. *Be it further enacted*, That said tax shall be assessed and collected by the assessors and collectors of said counties, and when collected shall be appropriated to the support of the indigent families of volunteers in said counties. Tax how to be appropriated.

SEC. 3. *Be it further enacted*, The tax so assessed by the court of county commissioners shall not exceed one dollar for each dog over and above two owned by any family in said counties. Tax not to exceed.

SEC. 4. *Be it further enacted*, The dogs owned by any

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Explanatory.

one member of the family, either white or black, shall be considered as belonging to the family.

Approved December 6, 1862.

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No. 137.]

## AN ACT

To change the boundary line between the Counties of Jefferson and Shelby.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the boundary line between the counties of Jefferson and Shelby be so changed as to include William S. Earnest and his residence in the county of Jefferson.

Approved December 4, 1862.

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No. 138.]

## AN ACT

To authorize certain officers of Jefferson county to make publication in the newspapers of Selma.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be lawful for the probate judge, register in chancery, clerk of the circuit court, sheriff, and all executors and administrators, and guardians, of Jefferson county, to make all publications required to be made by them respectively, either in the newspapers, published at Selma Alabama, or in those now designated by law.

Approved November 24, 1862.

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No. 139.]

## AN ACT

To hold a special Term of the Chancery Court in the county of Jefferson.

SEC. 1. *Be it enacted by the Senate and House of Repre-*



*sentatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the chancellor of the middle chancery division, of the State of Alabama, and he is hereby required to hold a special term of the court of chancery, for the twenty-second (22) chancery district middle division of Alabama, on the fourth (4) Monday in December, 1862, which court shall continue to be held and adjourned, from day to day, until all the business of said chancery court is disposed of; and should said chancellor not open said court, on said fourth (4) Monday, it shall be lawful for him to open and hold the same on the Tuesday or Wednesday following.

Approved November 20, 1862.

No. 140.]

## AN ACT

To detach Macon county from the Middle, and attach it to the Southern Chancery Division; and to detach Sumter county from the Southern, and attach it to the Middle Chancery Division.

§  
SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly* As to Macon. *convened*, That the county of Macon be, and the same is hereby detached from the middle and attached to the southern chancery division; and that the county of Sumter be detached from the southern and attached to the middle chancery division.

SEC. 2. *And be it further enacted*, That the chancellors of the middle and southern chancery division may fix As to Sumter. the time for holding their chancery courts in the said counties of Macon and Sumter, by giving due notice thereof by publication in a newspaper.

Approved November 28, 1862.

No. 141.]

## AN ACT

To authorize the commissioners' court of Macon county to appropriate a certain amount of the taxes levied for county purposes, to the support of the indigent families of volunteers, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners' court of Macon county be, and they are hereby authorized to appropriate sixty-five per cent. of the taxes assessed for county purposes, to the support of indigent families, in Macon county, of volunteers, or conscripts, in the service of the Confederate States from said county, under such rules and regulations as said court may from time to time establish.

Approved November 7, 1862.

No. 142.]

## AN ACT

To require the County Treasurer of Marshall county to register certain claims against the county of Marshall.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the county treasurer of Marshall county is hereby required to register the county claims of Thomas J. Cockron, late sheriff of said county, when said claims have been approved by the probate judge of said county, any law to the contrary notwithstanding.

Approved November 7, 1862.

No. 143.]

## AN ACT

To legalize the action of the Court of County Commissioners of Marshall, Fayette and Barbour counties, in levying a special tax for the support of the families of soldiers.

SEC. 1. *Be it enacted by the Senate and House of Repre*

*representatives of the State of Alabama in General Assembly convened,* That any action of the courts of county commissioners of Marshall, Fayette and Barbour counties, had since the last session of this assembly, having for its object the levy of a special tax upon the taxable property in said counties, for the support of the families of soldiers in the service of the Confederate States, or of this State, be, and the same is hereby legalized; and it shall be the duty of the tax collectors for said counties to collect and pay over as speedily as practicable, to the judges of probate of said counties respectively, so much of said special tax as shall not have been voluntarily paid by the tax payers, against whom the same may have been assessed.

Duty of tax collectors.

Approved November 5, 1862.

No. 144.]

## AN ACT

To change the time of holding the Circuit Courts in Marion, Walker and Winston counties, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the county of Marion be detached from the fourth judicial circuit, and attached to the third judicial circuit; and that the county of Winston be detached from the third judicial circuit, and attached to the fourth judicial circuit.

As to Marion county.

SEC. 2. *Be it further enacted,* That the time of holding the circuit courts shall hereafter be, in the county of Marion on the seventh Monday after the first Monday in March and September, and may hold one week; and in the county of Walker on the eighth Monday after the first Monday in March and September, and may hold one week; and in the county of Winston on the ninth Monday after the first Monday in March and September, and may hold one week.

Time of holding courts in said counties.

SEC. 3. *Be it further enacted,* That all executions, writs, subpoenas, bonds, and process of every kind, made returnable to any of said courts, at the times now provided by law, shall be and the same are hereby made

Executions, writs, &c.

When returnable

returnable to said circuit courts at the time proscribed by this act.

SEC. 4. *Be it further enacted*, That all laws and parts of laws, contravening the provision of this act, be and the same are hereby repealed.

Approved November 18, 1862.

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No. 145.]

AN ACT

To enable the corporate authorities of the city of Mobile to levy an additional tax on real estate for Municipal purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the corporate authorities of the city of Mobile are hereby authorized to levy an additional tax of not exceeding twenty cents, on each one hundred dollars in value of the real estate of said city, to that now authorized by law, the same to be collected as other taxes on real estate are collected in said city, and to be used for municipal purposes: *Provided*, That this act shall continue in force for twelve months from the date of its passage, and no longer.

APPROVED, Dec. 8th, 1862.

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No. 146.]

AN ACT

To authorize the judge of probate of Mobile county, to remove his office records to a place of safety, and for other purposes.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of probate, of Mobile county, be and he is hereby authorized to remove the papers, books, and records of his office, to a place of safety, whenever he shall deem said removal necessary to preserve them from the public enemy.

SEC. 2. *Be it further enacted*, That said judge of probate shall have the right to perform all the duties of

his office in any county of this State, to which the papers, books, and records of his office may be removed under this act.

Approved December 5, 1862.

No. 147.]

## AN ACT

To amend An act for the improvement of the Bay and Harbor of Mobile.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the act for the improvement of the bay and harbor of Mobile, approved February 21, 1860, as provides that one-fifth part of the revenue that may hereafter be annually collected in the county of Mobile, for the use of the State, should be relinquished, and donated to the president and commissioners of revenue of Mobile county, be and the same is hereby repealed, and the tax collector is required to account for, and pay over, the said one-fifth in the same manner that the balance of State tax, for said county of Mobile, is paid over and accounted for.

As to the disposition of the one-fifth state taxes.

Approved December 5, 1862.

No. 148.]

## AN ACT

To amend An act entitled An act to protect the Election Franchise in Municipal Elections in the city of Mobile, approved 5th December, 1861.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the above named act be, and is hereby so amended as to require the appointment of the commissioners therein named, and a registration of the names of the voters, every three years, viz: next preceding the general election in said city, instead of annually as is provided by said act, to which this is an amendment, the first appointment of commissioners and registration, to be made before and from the election to be

Amended as to appointment of commissioners.

When to take place.

holden on the first Monday in December, 1864, and every three years thereafter, in the manner provided by said act.

Approved November 3, 1862.

No. 149.]

## AN ACT

To authorise the enrollment of the Creoles of Mobile.

Creoles to be enrolled. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That certain persons of mixed blood, residing in the city and county of Mobile, commonly known as Creoles, be and the same are hereby authorised to be enrolled as militia for the defense of the city and county of Mobile, if in the opinion of the mayor of the city it is expedient.

Enrollment how to be made. SEC. 2. *Be it further enacted,* That the enrollment authorised by the first section of this act shall be made as follows, to-wit: the mayor shall enroll each male Creole between the ages of eighteen years and fifty years, who wishes to be enrolled; he shall then divide them into suitable companies, and appoint some discreet white men as commissioned officers to command said companies. Said companies shall be confined exclusively to the defense of the city and county of Mobile, and shall be under the command of the military authorities in the city of Mobile.

Approved November 20, 1862.

No. 150.]

## AN ACT

To provide for the defense of Mobile.

Five hundred thousand dollars appropriated. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of five hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated to the defense of Mobile, under the direction of the governor, to be drawn on his warrant on the state treasury, as provided for by clause 3, section 3 of

an act entitled "an act making appropriations for the military defense of the state," approved 6th February, 1861.

Approved November 8, 1862.

No. 151.]                      AN ACT

To authorise the Commissioners' Court of Monroe county to levy a special tax.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of county commissioners of Monroe county is hereby authorised to levy a tax, not exceeding one hundred per cent. on the state tax, for the support of indigent families of volunteers.

Approved December 6, 1862.

No. 152.]                      AN ACT

To authorise the corporate authorities of the city of Montgomery to control and improve the grounds around the capitol.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in case the corporate authorities of the city of Montgomery shall hereafter purchase the vacant lots immediately north of the capitol grounds, the said authorities are hereby authorised, from and after said purchase, to take and keep the charge and custody of the grounds of the state around the capitol, for the purpose of improving and adorning those grounds, and preserving the improvements and adornments they may make, and to make rules and regulations to carry out the object of this act: *Provided, however,* that the charge and custody, and rules and regulations of said corporate authorities, in relation to said grounds around the capitol, shall at all times be subject to modification or annulment by the governor or by the general assembly.

Approved November 25, 1862.

No. 153.]

## AN ACT

To change the Boundary Line between Montgomery and Pike counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the county boundaries between the counties of Montgomery and Pike be so changed, as to embrace within the territory of Montgomery, the residence of Johnathan T. Thomas.

Approved November 28, 1862.

No. 154.]

## AN ACT

To define the fees of the Justices of the Peace and Constables in the city of Montgomery.

Fees.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, justices of the peace, constables and jurors, on the trial by jury before justices of the peace, in beats numbers 4 and 5 in the city of Montgomery, shall be entitled to the following fees for their services, in civil cases in the following particulars, viz: justices of the peace, for each appeal bond, 75 cents, *veniri facias*, 75 cents, each subpoena for witness, 25 cents, swearing jury, 25 cents, each day presiding, extra, \$1 50; constables, for summoning jury, \$1 50, summoning each witness, 50 cents, attending on trial each day, \$1 00; jurors, for attending on trial each day, \$1 50; all of which shall be taxed against the unsuccessful party in the suit in which the same may accrue.

Certain laws repealed.

SEC. 2. *Be it further enacted,* That all laws relative to jury trials before justices of the peace, conflicting with the foregoing, are hereby repealed.

Approved December 8, 1862.



No. 155.]

## AN ACT

To legalize the acts of the Commissioners' Court of Morgan county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the tax levied by the commissioners' court of Morgan county, for the purpose of refunding money to those who have advanced money to equip volunteer companies, or who had advanced money or provisions to support the families of volunteers, be and the same is hereby legalized. Certain tax legalized.

SEC. 2. *Be it further enacted,* That all taxes heretofore levied by said court, for the support of soldiers' families in said county, be and the same is hereby legalized. Former tax legalized.

Approved December 2, 1862.

No. 156.]

## AN ACT

To authorize the Sheriff and other officers of the county of Russell to make publication in a newspaper published in the city of Columbus, Georgia.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That during such time as no newspaper is published in the county of Russell, the judge of probate, the register in chancery, the clerk of the circuit court, and the sheriff of the same, are hereby authorized to have published in any newspaper of the city of Columbus in the state of Georgia, all such notices and advertisements as by law they are required to have inserted in a newspaper.

Approved November 17, 1862.

No. 157.]

## AN ACT

To prevent the destruction by fire of property in the towns and villages of the counties of Shelby, Jefferson and St. Clair.

Not to store  
within half mile  
without consent.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall not be lawful for any person other than citizens of the counties of Jefferson, Shelby, and St. Clair, in the State of Alabama, to store cotton in any town or village of said county of Shelby or within a half mile thereof, except at railroad depots, without the consent in writing of at least three-fourths of the householders of said town or village.

Duty of sheriff.

SEC. 2. *Be it further enacted,* That it shall be the duty of the sheriff of Shelby county, if cotton is now or may be stored in any town or village of his county, without the consent as aforesaid, as soon as he is informed of the same to notify the owners or agent of such owner in writing to remove the same within ten days beyond the limits set forth in section one hereof, and if such owner or agent refuse to remove the same, such sheriff shall remove the same at the expense of the owner aforesaid.

Allowance for  
such service.

SEC. 3. *Be it further enacted,* That for the services performed by the sheriff as aforesaid, he shall be allowed one dollar per bale for each bale of cotton so removed, and reasonable charges for the hands and teams employed by him in removing the same, and one dollar for every notice given under the provisions of the second section hereof as costs of such proceedings.

Costs a lien on  
the cotton.

SEC. 4. *Be it further enacted,* That the costs which may be incurred under section three hereof, shall be a lien on the cotton so removed, and the sheriff is hereby authorized to sell the same, or so much as may be necessary to pay such costs at the expiration of ninety (90) days from such removal, at public auction, for cash, and pay such costs, unless the same shall be paid within such time.

Penalty if sheriff  
fails or refuses.

SEC. 5. *Be it further enacted,* That if the sheriff aforesaid fails or refuses to perform the duties in the second section hereof, he shall be liable to indictment, and on conviction shall be fined not less than five hun-

dred dollars nor more than two thousand dollars at the discretion of the jury trying the same.

Approved December 9, 1862.

No. 158.]

## AN ACT

To amend the law in relation to Public Bridges in Sumter county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the probate judge of Sumter county, be and he is hereby authorized to make appropriations and contract for repairing any public bridge in the said county of Sumter during the vacation of the commissioners court, the probate judge to be governed in all respects by laws and regulations in contracting for said repairs, as are prescribed for the government of commissioners court of said county.

Approved November 8, 1862.

No. 159.]

## AN ACT

To provide means for arresting the spread of the small pox in the county of Tallapoosa, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of three thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the purpose of enabling the court of county commissioners of the county of Tallapoosa, to take prompt and efficient measures to arrest the spread of small pox, and afford relief to the poor of said county afflicted therewith.

Three thousand dollars appropriated.

Purpose of the appropriation.

SEC. 2. *Be it further enacted,* That the comptroller be and he is hereby authorized to draw his warrant on the treasurer for said sum, or so much thereof as may be

Comptroller to draw his warrant.

necessary in favor of the judge of probate of said county.

Approved November 26, 1862.

No. 160.]

## AN ACT

More effectually to provide for the support of the indigent families of soldiers in the Confederate army from the county of Walker.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of county commissioners of Walker county, be and they are hereby authorized to hire such number of slaves as in their discretion they may deem proper, and to re-hire the same in their county to responsible parties, taking notes or bonds with two good securities payable in provisions, to be delivered in the year 1863, at such times, places, prices, in such quantities, and of such kind as may be agreed upon, which provisions shall be distributed to the indigent families of soldiers in the State or Confederate army, as provided in an act to provide for the support of the indigent families of soldiers in the Confederate army from the State of Alabama, approved November 12, 1862.

What the court of county commissioners may do.

SEC. 2. *Be it further enacted,* That to carry into effect the object contemplated in the foregoing section, the said court is hereby authorized to employ an agent at such price as may be just and reasonable to make all necessary contracts for the hiring of said slaves under the direction of said court, and said court is hereby authorized to pay the hire of said slaves and such agent out of the money or funds appropriated, or which may be appropriated to said county under the provisions of the above cited act.

May employ an agent.

How agent may be paid.

Approved November 26, 1862.

No. 161.]

## AN ACT

To give the Probate Judge of Coffee county jurisdiction of the Estate of John J. Allsabrooks, late of Covington county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever James W. Stallings and Matilda Allsabrooks, administrators of the estate of John J. Allsabrooks, late of Covington county, deceased, shall have made a settlement in the probate court of Covington county, of their administration of said estate, as far as they shall have administered the same, Conditions precedent. and shall have paid the costs accrued in said court upon the same, it shall be the duty of the probate judge of Covington county, upon the application of said administrators, to transmit to the probate court of Coffee county the original papers on file in his office, pertaining to said estate, and a certified copy of all the orders, entries, and decrees, on the minutes of his court, and thereupon the probate court of Coffee county shall have as full and complete jurisdiction of said estate, as though said deceased had died a resident citizen of said county of Coffee: *Provided,* That before this act shall take effect, the sureties on the official bond of said administrators, shall file their written assent to the provisions of this act, in the probate court of Covington and Coffee counties, or in default of such assent, a new bond be given by said administrators, to be approved of by the probate judge of Coffee county. Duty of probate judge.

Approved November 26, 1862.

No. 162.]

## AN ACT

To give the Probate Judge of Butler County jurisdiction over the estate of Benjamin W. Campbell, late of Pike County, deceased.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever Mary A. Campbell, executrix of the estate of Benjamin W. Campbell, late of Pike Conditions of change of jurisdiction.

Proviso as to assent of securities.

county, deceased, shall have made a settlement in the probate court of Pike county, of her administration of said estate, as far as she shall have administered the same, and shall have paid the costs accrued in said court upon the same, it shall be the duty of the probate judge of Pike county, upon the application of said executrix, to transmit to the probate court of Butler county, the original papers on file in his office, pertaining to said estate, and a certified copy of all orders, entries and decrees, on the minutes of his court; and thereupon the probate court of Butler county shall have as full and complete jurisdiction of said estate as though said decedent had died a resident citizen of said county of Butler: *Provided*, That before this act shall take effect, the sureties on the official bond of said executrix shall file their written assent to the provisions of this act, in the probate courts of Pike and Butler counties, or in default of such assent, a new bond be given by said executrix, to be approved of by the probate judge of Butler county.

Approved November 3, 1862.

No. 163.]

## AN ACT

To remove the estate of Nancy M. Thompson, deceased, from Tuscaloosa to Greene county, in this state.

When probate judge of Greene may grant administration.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That at any time after the resignation and final settlement of Edward Rencher, as administrator or executor of the estate of Nancy M. Thompson, in the probate court of Tuscaloosa county, it shall be lawful for the probate judge of Greene county to grant administration upon said estate remaining unadministered, and to take full jurisdiction over said unadministered estate, and make all orders and decrees in respect thereto, as if said probate judge of Greene county had had original jurisdiction over the same; and it shall be lawful for the administrator of said estate, appointed by the probate judge of Greene county, to remove the slaves and other personal property belonging to said estate from Tuscaloosa county to said Greene county,

SEC. 2. *Be it further enacted*, That after the resignation, settlement, and appointment mentioned in the first section of this act, it shall be the duty of the probate judge of Tuscaloosa county to transfer to the probate court of Greene county, all the original papers on file in his office relating to said estate, together with copies of all orders and decrees in respect thereto, duly certified under his hand and the seal of the court.

Duty of judge of  
Tuscaloosa.

Approved November 18, 1862.

No. 64.]

## AN ACT

In relation to the real estate of Duncan L. Nicholson,  
deceased.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be lawful for the probate court of Pike county to authorise Mary A. Nicholson and J. T. Russell, as the personal representatives of the estate of Duncan L. Nicholson, deceased, late of said county of Pike, on the hearing of an application properly filed by them in said court, for the sale of the real estate of said decedant in said county, to sell such real estate at private, instead of public sale, if it shall be proved to the satisfaction of the court that the parties in interest will not be prejudiced thereby; but the proceedings of the court on such application, and the action of the said representatives of said estate, must conform in all other respects to the laws now in force, which regulate the proceedings of courts of probate in relation to the sale of lands of intestates in such cases, it being the intention of this act to enlarge the powers of said court of probate of Pike county, so far only as to authorise it to grant the present representatives of said estate to sell the real estate thereof at private, instead of public sale.

Conditions pre-  
cedent to sale of  
real estate.

At private or  
public sale.

Action must con-  
form.

Limitation.

Approved November 10, 1862.

No. 165.]

## AN ACT

To aid the Executors of the will of George G. Tankersly, Sr., to probate the same.

Preamble.

Whereas, Ben B. Little and Robert Tankersly have propounded for probate, in the probate court of Sumter county, an instrument in writing purporting to be the last will and testament, with a codicil thereto, of George G. Tankersly, sr., deceased, late of said county; and whereas, Felix Tankersly, a minor heir of said testator, who is over the age of fourteen, to-wit: nineteen years of age, is absent in the army in the State of Virginia, and a citation cannot be personally served on him as by law required; therefore,

Conditions precedent.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That upon the said Ben B. Little and Robert Tankersly filing in the probate court of Sumter county the written waiver of personal service by the said Felix Tankersly, the probate judge of Sumter county may proceed to admit the same to probate in the same way, as though the said Felix Tankersly had been brought into court by personal service.

Approved November 7, 1862.

No. 166.]

## AN ACT

To authorise James L. Hibbler and S. D. Sessums to administer on the estate of W. H. Hibbler.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the probate judge of Sumter county in this state be, and he is hereby authorised and required to grant letters of administration, on the estate of William H. Hibbler, to James L. Hibbler and S. D. Sessums, or either of them, notwithstanding they are non-residents, upon giving bond, with sufficient securities, residents in this state.

Approved December 9, 1862.



No. 167.]

## AN ACT

To authorise the court of probate of Macon county to grant letters of administration upon the estate of Martin G. Jackson, late of Tallapoosa county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of probate of Macon county have authority to take jurisdiction of the administration of the estate of Martin G. Jackson, deceased, late of the county of Tallapoosa, to grant letters of administration thereon, and to do and perform all things necessary and proper, to cause the estate of said decedant to be settled and distributed in accordance with the laws of this state, as fully and effectually as if the said decedant had been a resident citizen of the said county of Macon, at the time of his death.

Approved December 5, 1862.

No. 168.]

## AN ACT

In relation to the estate of Lewis L. Langham.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the probate court of Mobile county be, and he is hereby authorised to cause true copies to be made, and duly certified, of all the acts and doings of record in said court respecting the last will and testament of Lewis L. Langham, deceased, and and the administration of his estate, and deliver the same to Garland Good and John K. Hawthorn, the executors, or either of them.

What the probate judge of Mobile is authorized to do.

SEC. 2. *Be it further enacted,* That as soon as the exemplification shall be handed over to the judge of the probate court of Wilcox county, it shall be full authority for the judge of the probate court of Wilcox to proceed with the business of said estate, in all matters as if the will of said Langham had been proved in said county, and the administration of said estate had originally commenced there.

Such exemplification full authority.

SEC. 3. *Be it further enacted,* That the said executors

Executors authorized to remove the property.

be, and are hereby authorised to remove the negroes and all the property of said Lewis L. Langham from Mobile to Wilcox county.

Administration to cease in Mobile.

Proviso.

Further proviso.

SEC. 4. *Be it further enacted*, That from and after the said exemplification is filed in Wilcox county, as aforesaid, the administration shall cease and determine in the county of Mobile: *Provided, always*, that all expenses that are now, or may be due in the probate court of Mobile, be paid by the executors; *And provided further*, that before this act shall take effect, the securities of said executors shall file their written consent to the transfer of said estate from the county of Mobile to the county of Wilcox, in the probate court of each of said counties.

Approved December 2, 1862.

No. 169.]

## AN ACT

To authorise the removal of the estate of John B. Christian, deceased, from the county of Butler to the county of Wilcox.

Administration removed.

Probate Judge of Butler to transfer.

Proviso as to what administrator must do.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the administration of John B. Christian, deceased, now pending in the court of probate of Butler county, be, and the same is hereby removed from the probate court of Butler county to the probate court of Wilcox, and the said court of probate of Wilcox is hereby invested with full jurisdiction and authority over said estate, and may make all orders and decrees in relation to the administration thereof, as if said letters had been originally granted in the county of Wilcox; and the judge of the said probate court of Butler is hereby authorised and required to transfer to transfer to said probate court of Wilcox county all the original papers on file in his office relating to said estate, together with copies of all orders and decrees, duly certified under his hand and seal: *Provided*, that before this act shall take effect, the administrator of said estate shall make a full settlement of his administration in the probate court of Butler county, and shall file a new bond payable to, and approved by, the judge of

probate of Wilcox county, in such sum as the said judge may require according to law, as in other cases of administration.

Approved December 1, 1862.

No. 170.]

AN ACT

To legalise private sales made by the Administrator of Alvin Burrows, deceased.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sale by Thomas Williams of Wetumpka, as administrator of Alvin Burrows, deceased, of machinery, stock, and other articles, to Hon. John Gill Shorter, governor, for the use and benefit of the state, is hereby legalised, as fully as though done according to law, as well as any other private sale by said administrator of the effects of said estate.

Approved November 21, 1862.

No. 171.]

AN ACT

To authorise George Goldthwaite to rent or lease the real estate of his ward by private contract.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That George Goldthwaite, guardian of Ann Goldthwaite, be authorised to lease or rent the real estate of said ward by private contract.

Approved November 21, 1862.

No. 172.]

## AN ACT

To authorize the Executors of N. B. Powell, deceased, to dispense with certain returns and settlements in the Probate Court.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in accordance with the will of N. B. Powell, deceased, late of Macon county, his executors are hereby relieved from making any inventories, returns, or annual settlements, in the probate court of said county, nor shall any appraisement of said estate be required by said court.

Approved November 25, 1862.

No. 173.]

## AN ACT

To authorize the Confederate States to purchase and hold, in Alabama, a site for Rolling Mills, Foundry, &c., for the manufacture of Ordnance, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the government of the Confederate States, or the proper department thereof, for the use of said Confederate States, or the Congress thereof, shall have permission, and full authority, to purchase, on the line of the Alabama and Tennessee River Rail Road, and hold within this State, a site for a foundry, rolling mills, and other machinery, for the fabrication or manufacture of arms, munitions, heavy ordnance, and other articles useful in war, not exceeding one mile square in territorial extent, and exercise, under the authority of the Congress of the Confederate States, all proper jurisdiction over the said one mile square, not inconsistent with any ordnance which may hereafter be adopted by any convention of the people of this State.

SEC. 2. *Be it further enacted,* That to enable the Confederate States to obtain wood, stone, or any other material necessary to the buildings, and successfully carrying on the mills and machinery, established on the said site mentioned in the first section of this act, the

Authority granted.

Location limited.

For what purpose.

Jurisdiction.

Authority as to wood, stone, &c.

Confederate States shall have the right and authority to enter, or purchase, any of the public lands of this State, and to purchase from individuals or corporations, lands for the purposes aforesaid.

Approved November 17, 1862.

No. 174.]

## AN ACT

To amend An act entitled "An act to authorize the Confederate States to purchase and hold in Alabama a site for Rolling Mills, Foundry, &c., for the manufacture of Ordnance, &c.," approved Nov. 17, 1862.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the words "on the line of the Alabama and Tennessee River Rail Road," where they occur in the act entitled "An act to authorize the Confederate States to purchase and hold, in Alabama, a site for rolling mills, foundry, &c., approved November 17, 1862, be and the same are hereby stricken out, and the said act is hereby so amended as to authorize the government of the Confederate States to purchase and hold the site for a foundry, &c., referred to in the said act, in any part of this State.

In any part of this State.

Approved November 29, 1862.

No. 175.]

## AN ACT

To amend An act to require the Commissioner of Public Lands to issue a patent to Martha Carroll, of Calhoun county, approved December 9, 1861.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the said act be so amended as to require the commissioner of public lands to issue a patent to Martha Carroll for the north-east quarter of the north-east quarter of section three, township fourteen, range six, in Calhoun county, instead of the north-west quar-

Description of the tract.

ter of the north-east quarter of said section, township, and range, as authorized by said act.

Approved December 5, 1862.

No. 176.]

## AN ACT

To repeal in part An act approved 11th day of February, 1854, constituting Seabourn W. Harvill and Samuel B. Harvill liners, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of said act as relates to Seabourn W. Harvill is hereby repealed.

Approved December 20, 1862.

No. 177.]

## AN ACT

For the relief of soldiers in the service of the Confederate States.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter it shall be the duty of the several solicitors in each circuit, to enter a *nol pros* in all cases, where any person, or persons, may have been indicted for a misdemeanor only, and such person, or persons, are soldiers in the service of the Confederate States, or when such person, or persons, may have been honorably discharged therefrom since the indictment was found: *Provided*, That if in the opinion of the presiding judge the public good requires it, no such entry shall be made.

Solicitor to enter  
*nolle prosequi.*

*Provide.*

Approved November 7, 1862.

No. 178.]

## AN ACT

For the relief of indigent families of soldiers in Sumter and Walker counties.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of county commissioners of Sumter county be, and is hereby authorized to borrow a sum of money, not exceeding ten thousand dollars, and to appropriate the same for the support of the indigent families of soldiers in said county, as directed by the act entitled "An act to provide for the support of the indigent families of soldiers in the Confederate army from the State of Alabama."

Com's court authorized to borrow money.

How to be appropriated.

SEC. 2. *Be it further enacted,* That the court of county commissioners of Sumter county, is hereby authorized to levy a special tax in said county, not exceeding in any one year fifty per cent. on the State tax, for the purpose of repaying any sum borrowed, under the first section of this act.

Com's court of Sumter to levy a special tax.

SEC. 3. *Be it further enacted,* That similar powers and authority granted to, and vested in the court of county commissioners of Sumter county, are hereby granted to and vested in the court of county commissioners of Walker county.

Similar powers to com's court of Walker county.

Approved November 28, 1862.

No. 179.]

## AN ACT

For the relief of certain officers in Sumter county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the 27th clause of section 3047, of the Code of this State, be and the same is hereby amended so as to read two hundred dollars, instead of one hundred and fifty dollars: *Provided however,* That this amendment of said section, shall only apply to the county of Sumter.

Clause of code amended.

Provide.

SEC. 2. *Be it further enacted,* That the sheriff of Sumter county be, and he is hereby authorized to appoint a bailiff to attend on the chancery court of said county,

Sheriff to appoint a bailiff.

and that such bailiff shall be allowed two dollars per day while in attendance on said court, to be paid out of the treasury of said county, on the certificate of the register of said court.

Duty of commissioner's court.

SEC. 3. *Be it further enacted*, That it shall be the duty of the court of county commissioners of Sumter county to appropriate out of the treasury of Sumter county, such sum or sums as shall be necessary to pay for fire wood necessary for and actually furnished to the offices of the probate judge, circuit clerk, register and sheriff of said county.

Provisions extended to Chambers county.

SEC. 4. *Be it further enacted*, That the provisions of shall apply to the county of Chambers also.

Approved November 8, 1862.

No. 180.]

AN ACT

For the relief of Orion L. Phillips, of the county of Chambers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Orion L. Phillips, a minor of the county of Chambers, be and he is hereby authorized to manage and transact all business connected with his estate, and that all contracts, which he shall make after the passage of this act, shall be as legal and of as full effect as though he were twenty-one years of age, and he is hereby fully authorized to settle with and receive his property from his guardian, and also with the guardian of his wife, and receive the property coming to his wife, as fully as though he were of age.,

Although a minor, authorised to manage his business, &c.

Approved November 7, 1862.

No. 181.]

AN ACT

For the relief and benefit of John F. Pagles, of Mobile.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John F. Pagles, of Mobile, a minor, be



and he is hereby authorized to manage, control, rent and hire his property, consisting of real and personal estate, in the city of Mobile; to make contracts and settlements; to sue and be sued, as fully in every respect as he could do were he of age.

Approved November 7, 1862.

No. 182.]

## AN ACT

For the relief of J. P. Cantrell, of Marion county, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That J. C. Metcalf, administrator of the estate of W. C. M. Allman, deceased, formerly sheriff of Marion county, be and he is hereby authorized to pay the sum of three hundred eighty-seven and 80-100 dollars to J. P. Cantrell, administrator on the estate of E. B. Cody, deceased.

Amount to be paid J. P. Cantrell.

SEC. 2. *Be it further enacted,* That the judge of probate of Marion county shall receive said Cantrell's receipt as a proper voucher, on settlement of said estate from J. B. Metcalf, administrator on the estate of W. C. M. Allman, deceased, upon proof duly made that the judgment provided for in the preceding section, has been actually made as therein prescribed.

Judge shall receive receipt of Cantrell.

Approved November 21, 1862.

No. 183.]

## AN ACT

For the relief of Thos. Williams, administrator on the estate of Alvin Burrows.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller be, and he is hereby authorized to draw his warrant upon the treasurer of the State of Alabama, in favor of Thomas Williams, administrator of Alvin Burrows, for the sum of six thousand and ninety-two 37-100 dollars, and that when said

Comptroller to draw his warrant for \$6 092 67.

Williams produces the certificate of the treasurer that he has paid into the treasury the sum of six thousand and ninety-two 37-100 dollars, the amount due from said Burrows to the State, for the lease of the penitentiary, then the comptroller of the State shall deliver to said Williams, all the bonds executed by said Burrows to the State, as lessee of the penitentiary.

Approved November 14, 1862.

No. 184.]

## AN ACT

For the relief of Adele Louise DuBose, of Marengo county, as Administratrix of Isaiah DuBose, late of said county, deceased.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Adele Louise DuBose, as administratrix of Isaiah DuBose, late of Marengo county, deceased, What she is authorised to do. be and she is hereby authorised and empowered to occupy and cultivate the lands of the estate of her said intestate with her own, and to work and use jointly with her own slaves, horses, mules and oxen, and other property on said plantation, the slaves, horses, mules and oxen, and other property of said estate, so long as said estate shall be kept together, under the order of the probate court of said county.

What she is entitled to receive. SEC. 2. *Be it further enacted,* That said Adele Louise DuBose, shall be entitled to receive from said estate such portion of the proceeds and profits, arising from the joint cultivation and use of said estate, as the said judge of probate may consider equitable, and on any settlement by her, as administratrix as aforesaid, the said court shall allow her a credit for the portions of profits and proceeds allowed as aforesaid.

Approved November 17, 1862.

No. 185.]

## AN ACT

For the relief of George Newman, Guardian of James N. Trawick.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be, and he is hereby authorised and required to draw his warrant on the treasurer, to be paid out of any money not otherwise appropriated, for the sum of twenty-nine and 41-100 dollars, in favor of George Newman, guardian of James N. Trawick, it being the amount erroneously collected of the said George Newman, guardian as aforesaid, by the tax collector of Henry county for the year 1862, as shown by the assessment.

Comptroller to draw his warrant for \$29 41.

Approved December 1, 1862.

No. 186.]

## AN ACT

For the relief of Sarah C. Reese, Guardian of Alice C. Reese.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of probate of the county of Lowndes be, and the same is hereby empowered, upon the application of Sarah C. Reese of said county, guardian of Alice C. Reese, upon a satisfactory showing to the said court that it will conduce to the interest of the said ward, to grant an order authorising that said guardian, on the lands owned by herself and ward jointly and equally, to employ an equal number of hands with the hands of her ward, and for such time as it will be to the interest of said ward, and that in her annual accounts, as guardian, with the said court, she shall charge herself with one half of all the profits accruing from such lands so worked jointly, and credit herself with one half the expenses of the same: *Provided*, before obtaining such order, she shall file with the judge of probate the assent, in writing, of the securities on her

When the guardian may be authorised to do.

Provide as to consent of securities.

guardian bond, and that such order shall in no way impair their obligations thereon.

Approved December 5, 1862.

No. 187.]

AN ACT

For the relief of Mary and Nancy Jarvis, of Coosa county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of county commissioners of the county of Coosa be, and they are hereby authorised to contract with Henry R. Patridge, for the keeping and maintainance of Mary Jarvis and Nancy Jarvis, paupers of said county, at a price not exceeding the cost of keeping and maintaining said paupers in the poor house of said county, and to be paid out of the poor fund of said county, as in case of other paupers, any law to the contrary notwithstanding.

Com's court authorised to contract for their maintainance.

Approved November 28, 1862.

No. 188.]

AN ACT

For the relief of George W. Franklin and John Tyler Franklin, of Coosa county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That George W. Franklin and John Tyler Franklin, of the county of Coosa, be and are hereby declared citizens of the State of Alabama, and are hereby invested with all the rights and privileges, immunities and franchises, both political and civil, of citizens of the State of Alabama.

Declared citizens

Approved December 4, 1862.

No. 189.]

## AN ACT

For the relief of Archibald B. Bell, of Calhoun county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioner of public lands be, <sup>Patent to be issued.</sup> and he is hereby authorised to issue a patent to Archibald B. Bell, of Calhoun county, State of Alabama, for the west half of the southeast quarter of section number twenty-two, in township seventeen of range seven, containing eighty and 33-100 acres.

Approved November 17, 1862.

No. 190.]

## AN ACT

For the relief of Archibald G. Campbell.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Archibald G. Campbell be, and he is hereby authorised to purchase from the State of Alabama, the northwest quarter of section thirty, (30,) township eighteen, (18,) range nineteen, (19,) in the district of land formerly subject to sale at Cahaba in said state, at the price of one dollar and twenty-five cents per acre, and that upon his paying into the proper land office of said state the said purchase money, the commissioner of public lands of said state be, and he is hereby authorised and required to issue to said Archibald G. Campbell a patent for said tract of land. <sup>& Description of the land.</sup>

Approved November 18, 1862.

No. 191.]

## AN ACT

For the relief of Louisa Ann and William W. Davis.

Whereas, on the 10th day of June, 1857, a bounty <sup>Preamble.</sup> land warrant for 160 acres was issued by the government of the United States to Louisa Ann Davis, John

T. Davis and William W. Davis, minor heirs of Dyer Davis; And whereas the said John T. Davis departed this life while a minor, leaving as his only legal heirs the said Louisa Ann and William W. Davis; And whereas the said William W. Davis is now and was on the 11th day of January, 1861, a citizen of the State of Georgia, therefore

Power to locate  
land warrant.

Proviso.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the said Louisa Ann Davis and William W. Davis, be and they are hereby authorized to locate said bounty land warrant (No. 67104) upon any of the public or unappropriated lands of this State subject to entry: *Provided,* That said land warrant shall be valued in its location at the minimum price the land upon which it is proposed to be located, is subject to entry and sale at the time the same is offered for location.

Approved, December 8, 1862.

No. 192.]

AN ACT

For the relief of James Headen, of the county of Talladega.

Description of  
the land.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the register and receiver at Centre, Alabama, to perfect the location of north half of the southeast quarter and south half of the northeast quarter of section 35, township 16, range five, made with a military land warrant by Zachariah B. Sims, and report the same to the commissioner of the general land office, referring to this act, as authority for the same.

Commissioner to  
issue patent.

SEC. 2. *Be it further enacted,* That upon the said return being made to the commissioner, he shall cause a patent to issue for said tract to the said Zachariah B. Sims.

Approved November 8, 1862.

No. 193.]

## AN ACT

For the relief of Mahulda Robbs.

Whereas, Mahulda Robbs was permitted on the 27th day of May, 1859, at the land office at Centre, to enter the northeast quarter of section 19, and the northwest quarter of section 20, in township 19, of range 6, east, in the Coosa land district; And whereas said entries were suspended by the proper department of the government of the United States, in consequence of the donation of the quarter section first described above, to the Alabama and Tennessee River Railroad Company, which fact was not known at the district land office at the time the entries were made, therefore

Preamble.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the entry of the northwest quarter of said section 20, in township 19, of range 6, east, be and the same is hereby confirmed, and that the commissioner of public lands be instructed to issue a patent for the same to the said Mahulda Robbs.

Description of land.

Approved December 9, 1862.

No. 194.]

## AN ACT

For the relief of the Assessor and the Collector of Taxes for Madison and other counties.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the tax assessor for Madison county be allowed until the first Monday in January, 1863, for making and returning an assessment of the taxes of said county for the year 1862.

Allowed till first Monday of January, 1863.

SEC. 2. *Be it further enacted,* That the examination and correction of such assessment must be made in the manner now prescribed by law, on the second Monday in January, 1863, or as soon thereafter as may be practicable: *Provided,* that before any tax assessor or tax collector shall be entitled to the benefit of the provisions of this act, the written assent of the sureties on his official bond, shall be acknowledged before the

Correction of assessment to be made on the 2d Monday of January, 1863.

Proviso.

judge of probate of his county, and filed with the comptroller of public accounts.

Tax collector allowed 5 months additional.

SEC. 3. *Be it further enacted*, That the tax collector of said county be allowed five months in addition to the time now allowed by law, for collecting and paying over the taxes assessed therein for the year 1862.

Provisions extended.

SEC. 4. *Be it further enacted*, That the provisions of this act be extended to the tax assessors and collectors of the counties of Limestone, Franklin, Marshall, Jackson and Morgan.

Approved November 19, 1862.

No. 195.]

AN ACT

For the relief of the securities of John C. Burgess, late Tax Collector of Coosa county, for the years 1845 and 1846.

Damages remitted.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the comptroller be and he is hereby authorized and required to remit the damages on a judgment against John C. Burgess, tax collector of Coosa county, for the years 1845 and 1846, upon his paying principal, interest and cost, within sixty days after the passage of this act.

Approved December 4, 1862.

No. 196.]

AN ACT

For the relief of Harrison J. Clark, Jr., Tax Collector of Cherokee county.

Time extended for making settlement.

Consent of securities to be filed.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Harrison J. Clark, Jr., tax collector of Cherokee county, be and he is hereby allowed until the first day of May, 1863, to make his settlement as such tax collector: *Provided*, that before this act shall take effect the sureties on the official bond of the said tax



collector shall file in the office of the comptroller of public accounts their written assent to its provisions.

Approved December 1, 1862.

No. 197.]

## AN ACT

For the relief of John P. Gates, late Tax Collector for Pickens county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of eleven hundred and seventy-six 58-100 dollars be, and the same is hereby appropriated to John P. Gates, late tax collector for the county of Pickens, it being the amount of damages recovered on a judgment against said Gates for the taxes of 1860, and by him paid into the state treasury; and that the comptroller of public accounts issue his warrant on the state treasurer therefor, to be paid out of any money in the treasury not otherwise appropriated.

Appropriation of  
\$1176 58.

Approved December 2, 1862.

No. 198.

## AN ACT

For the relief of William P. Green, Tax Collector for Conecuh county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William P. Green, tax collector of Conecuh county, be and he is hereby allowed until the first day of May, 1863, to pay into the state treasury any portion of the taxes assessed against persons in the military service of the Confederate States, or of this state, which he may not be able to collect prior to that time: *Provided,* the said William P. Green, before claiming the benefit of this act, shall file with the comptroller of public accounts the written assent of his securities to the extension herein allowed.

Time extended  
for making set-  
tlement.

Proviso.

Approved December 6, 1862.

No. 199.]

## AN ACT

For the relief of A. A. Grider, and others, Tax Collectors in their respective counties.

Time for final  
settlement ex-  
tended.

Proviso.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That A. A. Grider, tax collector of Jackson county, shall have until the first day of March, 1863, to make final settlement of his accounts as such tax collector, with the comptroller of public accounts: *Provided,* that he shall first obtain the written consent of the securities on his official bond, for such extension, and file the same in the office of the comptroller of public accounts, before this act shall take effect.

Provisions ex-  
tended to others.

Proviso.

SEC. 2. *Be it further enacted,* That the provisions of this act are hereby extended to William R. Day, tax collector of Madison county; Thomas Hines, tax collector of Limestone county; Thomas M. Phillips, tax collector of Lauderdale county; F. M. Calloway, tax collector of Morgan county; John Clack, tax collector of Marshall county; William Hulsy, tax collector of Walker county; N. Allman, tax collector of Lawrence county: *Provided,* that the said several tax collectors above named, in their respective counties, shall obtain the written consent of their securities on their official bonds, for such extension, and file the same in the office of the comptroller of public accounts before this act shall take effect.

Approved November 8, 1862.

No. 200.]

## AN ACT

For the relief of Samuel B. Harmon, Tax Collector of Macon county.

Preamble.

Whereas, at the November term, 1861, of the circuit court of Montgomery county, William J. Greene, comptroller of public accounts of the State of Alabama, recovered a judgment against Samuel B. Harmon, tax collector of Macon county, for the sum of five thousand one hundred and thirty dollars and eight cents, principal; also, the further sum of twelve hundred and eighty-

two dollars and fifty-two cents damages, and the further sum of \_\_\_\_\_ interest; and whereas, the said Samuel B. Harmon has paid into the treasury of the state the full amount of principal, and a part of the interest on said judgment,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That upon the payment, by the said Samuel B. Harmon, of the interest remaining due on said judgment, that William J. Greene, comptroller of public accounts, be and he is hereby authorised to enter a remittitur upon said judgment for the damages thereon, and that the said Samuel B. Harmon, and the securities on his official bond, be and they are hereby released from the payment of the amount of damages in said judgment specified. Damages remitted.

Approved November 21, 1862.

No. 201.]

## AN ACT

For the relief of Moses Hornsby, Tax Collector of Tallapoosa county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of forty-one 18-100 dollars be, Appropriation of \$41 18. and the same is hereby appropriated to Moses Hornsby, tax collector of Tallapoosa county, being an amount of Why. error in the abstract of the tax assessment returned to the office of the comptroller of public accounts, and omitted to be embraced in the list of errors allowed by the commissioner's court for the taxes of said county for the year 1861, and by said tax collector paid in the state treasury upon the settlement of the taxes for that year; and that the comptroller issue his warrant therefor, to be paid out of any moneys in the treasury not otherwise appropriated: *Provided,* Provido. said tax collector shall first file in the comptroller's office the certificate of the probate judge, that said amount was not embraced in the former list of errors, &c.

Approved December 6, 1862.

No. 202.]

## AN ACT

For the relief of Burrell Johnston, Tax Collector of Perry county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be, and he is hereby required to make settlement with Burrell Johnston, tax collector of Perry county, and to allow the said Burrell Johnston, tax collector in the county of Perry, the sum of seven hundred and sixty-five dollars and four cents, being the amount of errors and insolvencies allowed by the commissioners' court of said county for the year 1861.

Approved December 2, 1862.

No. 203.]

## AN ACT

For the relief of James Meharg, late Tax Collector of Calhoun county, and his securities.

Preamble.

Whereas, W. J. Greene, comptroller of the State of Alabama, on the 30th day of November, 1861, obtained two judgments, one for eleven hundred and ten dollars and seventy-three cents, and the other for thirteen thousand six hundred and sixty-three dollars and seventy-nine cents, in the circuit court of Montgomery county, against Meharg, late tax collector of Calhoun county, and his securities J. P. Bagley, Noah Goode, Elisha McClelland, E. C. Dickie, Daniel Crow and L. D. Varnon; and whereas it is likely that said securities will have to pay said judgments, therefore

How far relieved

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the said James Meharg, and his securities, be and they are hereby relieved so far as to extend the collection of said judgments for twelve months from the passage of this act, upon the following conditions hereinafter mentioned.

Conditions precedent.

SEC. 2. *Be it further enacted,* That before the said James Meharg and his securities shall have an extension of the payments of said judgments, they shall en-

List of errors  
and insolvencies  
to be allowed.

ter into bond with at least two good securities, to be taken and approved by the sheriff of Calhoun county in double the amount of said judgments, conditioned faithfully and punctually to pay and fully satisfy said judgments, and all costs, interest, damages, and all other expenses of every kind connected with said judgments in twelve months after the passage of this act; and in the event said judgment, interest, costs, damages, and expenses are not paid in twelve months after the passage of this act, the sheriff of Calhoun county shall return said bond so taken as aforesaid, forfeited to the clerk of the circuit court of Montgomery county, and said bond so returned forfeited as aforesaid, shall have the force and effect of a judgment against the said James Meharg and his securities, and said clerk shall issue an execution on said bonds so returned forfeited, against all the parties to it for the full amount of both judgments, costs, interest, damages, and all expenses of every kind connected therewith, and shall endorse upon the execution "no further bond to be taken."

Approved December 1, 1862.

No. 204.]

## AN ACT

For the relief of Robert S. Rabb, of Conecuh county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorized to draw his warrant on the state treasurer for the sum of one hundred and twenty-five dollars, in favor of Robert S. Rabb, of Conecuh county, said sum being excess of taxes paid by said Robert S. Rabb into the state treasury, in the year eighteen hundred and sixty-two in consequence of over assessment.

Excess of tax o  
to be repaid.

Approved November 29, 1862.

No. 205.]

## AN ACT

For the relief of William Walthall, tax collector of Wilcox county.

Damages remitted.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorized to remit and enter satisfaction of the sum of four hundred and thirty-seven dollars and sixty cents, being the amount of damages on a judgment rendered against William Walthall, tax collector of Wilcox county, in favor of the said comptroller, for the use of the State, in the circuit court of Montgomery county, at the fall term thereof, 1861, for the taxes due from said county of Wilcox, for the year 1861, the said William Walthall and his sureties being hereby relieved and released from the payment of said damages.

Approved November 14, 1862.

No. 206.]

## AN ACT

For the relief William R. Mason, Register in Chancery for 13th District Middle Chancery Division.

And trustee, commissioners and trustee to pay him \$376.15.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioner and trustee of the State Bank and branches, be and he is hereby authorized and required to pay out of the assets of said bank to Wm. R. Mason, register in chancery for the 13th district middle chancery division, the sum of three hundred and seventy-six dollars and fifteen cents, (\$376.15) it being the amount of costs due by the branch bank at Montgomery, under a decree of the chancery court in the case of Narcissa A. Harris, et als. vs. Branch Bank at Montgomery, et als. in the chancery court of Macon county.

Approved November 28, 1862.

No. 207.]

## AN ACT

To authorize the Governor to fix the compensation of S. S. Houston and others, for services rendered the State.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the governor of this State be and he is hereby authorized to settle and adjust the claims of S. S. Houston, D. P. Forney, Urban L. Jones and James R. Powell, commissioners to select and locate certain swamp and overflowed lands donated to the State of Alabama by the Congress of the United States of America by the acts approved on 28th September, 1850, and 3d March, 1857; and that in adjusting the claims of said parties, the actual labor performed by them, and the expense to which they were subjected in their efforts to carry out the provisions of their said agreement, shall form the basis of adjustment and settlement: *Provided, however,* that no settlement made under the provisions of this act, or under the provisions of an ordinance entitled an ordinance to authorize and direct the governor to rescind the contract therein referred to, approved March 20, 1861, shall be binding upon the State until ratified by the legislature.

Governor to  
make settlement

Proviso.

Approved November 8, 1862.

No. 208.]

## AN ACT

For the relief of Drs. James C. Harris, Thos. W. Mason and M. G. Moore.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby required to draw his warrant on the treasurer in favor of Drs. Jas. C. Harris, Thos. W. Mason and M. G. Moore for the sum of one hundred dollars due them for the examination of insane prisoners in the penitentiary.

Comptroller to  
draw his warrant  
for \$100.

Approved November 25, 1862.

No. 209.]

## AN ACT

To compensate Dr. Merriwether G. Moore for services as Warden of the Penitentiary for the present year.

Allowance per  
month.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Dr. Merriwether G. Moore, for his services as warden of the State penitentiary, under the appointment of the governor, since the death of the lessee to the present time, shall have and receive the sum of three hundred thirty-three 33-100 dollars per month for such services.

Comptroller to  
draw his war-  
rant.

SEC. 2. *Be it further enacted,* That the comptroller be, and he is hereby required and directed, to draw his warrant on the State treasurer, for the said amount of three hundred thirty-three 33-100 dollars per month, in favor of the said Dr. M. G. Moore, to be paid out of any money in the treasury not otherwise appropriated.

Approved December 5, 1862.

No. 210.]

## AN ACT

For the relief of H. P. Watson, Adjutant and Inspector General Alabama Militia.

Comptroller to  
draw his war-  
rant for \$568.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be, and he is hereby authorised and required, to draw his warrant on the state treasurer, in favor of H. P. Watson, Adjutant and Inspector General of Alabama Militia, for five hundred and sixty-eight dollars, for services rendered the State in the year 1862.

Approved December 9, 1862.

No. 211.]

## AN ACT

For the relief of W. B. and A. R. Bell & Co.

SEC. 1. *Be it enacted by the Senate and House of Rep-*



*representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be, and he is hereby authorized and required, to draw his warrant on the state treasurer, for the sum of four hundred and thirty-six dollars and seventy-five cents, in favor of W. B. and A. R. Bell & Co., of Montgomery, for articles purchased of them for the use of the capitol.

Four hundred and thirty-six dollars and seventy-five cents appropriated.

Approved December 9, 1862.

No. 212.]

## AN ACT

For the relief of B. B. Davis.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorized and required to draw his warrant on the State Treasurer in favor of Benjamin B. Davis for the sum of seventeen dollars and twenty-five cents for stationery furnished the house of representatives.

Appropriation of \$17.25.

Approved November 3, 1862.

No. 213.]

## AN ACT

For the relief of M. M. Nall.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorized and required to draw his warrant on the treasurer of the State in favor of M. M. Nall, for the sum of six dollars and fifty cents, to be paid out of any moneys in the treasury not otherwise appropriated.

Appropriation of \$6.50.

Approved November 10, 1862.

No. 214.]

## AN ACT

For the relief of White, Pfister &amp; Co.

Appropriation of  
\$186.85.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorized and required to draw his warrant on the treasurer in favor of White, Pfister & Co., for the sum of one hundred and eighty-six dollars and thirty-five cents, for stationery furnished the State.

Approved December 5, 1862.

## AN ACT\*

To authorize the Commissioners' Court of the county of Choctaw to make certain appropriations.

May appropriate  
money to uni-  
form and equip  
volunteers, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners' court of the county of Choctaw may, and is hereby empowered to appropriate all the funds, now in the treasury of said county, which have accrued from fines and forfeitures, or as much thereof as they may deem necessary, except two thousand dollars for the purpose of aiding in uniforming and equipping the volunteers which been, or may hereafter be enlisted, for service in the Confederate army, in said county, and also for furnishing food to the families of such volunteers, as may be in indigent circumstances.

Payment county  
debt.

SEC. 2. *Be it further enacted,* That the said commissioners' court may appropriate the half of the aforesaid two thousand dollars, to the payment of the now existing debt of said county of Choctaw, if they in their discretion deem it proper to do so.

Shall keep ac-  
count and file  
vouchers.

SEC. 3. *Be it further enacted,* That said commissioners' court shall keep a regular account of the amounts so paid out, and file all the vouchers for the several amounts in their court.

Duty of county  
treasurer under  
this act.

SEC. 4. *Be it further enacted,* That the treasurer of said county of Choctaw, is hereby authorized and required to pay over such amounts out of the said funds

as the commissioners' court may order, they receipting to him for the same.

Approved December 3, 1861.

[\* This act was accidentally omitted in the pamphlet copies of the Acts of the year 1861.—SECRETARY OF STATE.]

# JOINT RESOLUTIONS.

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## JOINT RESOLUTIONS

Upon Rail Road Transportation in the several States of the Confederacy.

WHEREAS the rail roads in the several States of our Confederacy were incorporated and built with reference to a system of free and rapid intercourse between them, designed to facilitate the business, as well as personal intercourse of their citizens: And whereas the blockade of the coasts of the several States, and the obstruction of the free navigation of many of our rivers by the enemy, has greatly crippled intercourse between the people of our States by the rivers, and have thus rendered the rail road system of more absolute necessity to our people: And whereas portions of the country have been blessed with a superabundance of provisions, and other necessities of life, while in others there is much scarcity, and an equalization of these bread necessities can only be made by means of our system of rail road transportation,

*Be it therefore resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That while the government of the Confederate States is justified in using said rail roads, to the exclusion of all private transportation, when an immediate military necessity demands such use and exclusion, yet in the opinion of this general assembly, such exclusive military control of our said roads, should cease with the termination of such necessity, and that with such exception, the rail roads should be kept open to the business transportation of the people of the several States.

*Be it further resolved,* That the Governor be requested to corre

pond with the Secretary of War, of the Confederate States, upon this subject, and that a copy of these resolutions be forwarded by him to the governors of the several States of the Confederacy.

Approved December 9, 1862.

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## JOINT RESOLUTIONS

In relation to the liability of Militia officers of this State to enrollment under the Conscription Acts of the Confederate States.

*Be it enacted resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in the opinion of this general assembly, militia officers of this State, between the ages of eighteen and forty-five years, are now subject to enrollment under the conscription acts of the Confederate States, unless exempt on some other ground than that they are militia officers.

2. *Be it resolved further,* That if there be any law of this State which has been, or may be construed to exempt such officers from the operation of said conscription acts, the same is hereby declared to be inoperative to that extent.

3. *Be it resolved further,* That his Excellency the Governor be, and he is hereby requested to transmit a copy of these resolutions to the Secretary of War of the Confederate States.

Approved November 25, 1862.

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## JOINT RESOLUTIONS

In relation to the Defense of Mobile.

Whereas the abolition government at Washington, has been for the year last past, and is now straining every nerve, to consolidate its naval resources for the destruction of the sea-port towns of the cotton States, the consequent invasion of the homes and firesides of the interior, and the savage massacre of our helpless women and children : And whereas we, the representatives of the people of Alabama, inspired by the noble daring and the gallant and successful defense of the city of Vicksburg, by her indomitable citizen soldiery, would fain hope that the city of Mobile, our only seaport, and the gem of the gulf, shall never be desecrated by the polluting tread of our abolition foes,

*Be it therefore resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in the solemn judgment of this general assembly, the city of Mobile should never be surrendered; that it should be defended from street to street, from house to house, and inch by inch, until, if taken, the victor's spoils should be alone a heap of ashes.

*Resolved,* That the joint committee of Finance, the Senate concurring, be instructed forthwith to report a bill appropriating such sum of money as may be sufficient to defray the expenses for the removal and maintenance of the helpless women and children of the city of Mobile, to a place of safety.

*Resolved,* That a copy of these resolutions be forwarded by the Governor to the military and naval commanders, for the defense of the city of Mobile, with the assurance that the people of Alabama will accept any calamity, rather than suffer her soil to be again polluted by the tread of the abolition invaders.

Approved November 17, 1862.

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## JOINT RESOLUTION

Requesting the Governor to give information in relation to debts due the State Bank and Branches.

*Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor be, and he is hereby authorized and requested to lay before the next general assembly, during the first week of the same, a list of all the assets of every kind, including mortgages and deeds of trust, on real estate, yet due and held by the State Bank and its Branches, and further to state in said list the county in which said debts exist, and the location of the lands, &c.

Approved November 21, 1862.

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## JOINT RESOLUTIONS

In relation to the war debt of the Confederate States.

Whereas, the government of the Confederate States is involved in a war for the independence of each of the States of the Confederacy, as well as for its own existence; and whereas the destiny of each State of the Confederacy is indissolubly connected

with that of the Confederate government; and whereas the Confederate government cannot successfully prosecute the war to a speedy and honorable peace without ample means and credit, be it therefore

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in the opinion of this generally assembly it is the duty of each State of the Confederacy, for the purpose of sustaining the credit of the Confederate government, to guarantee the debt of that government, in proportion to its representation in the congress of that government.

*Resolved further,* That the State of Alabama hereby proposes to her sister States of the Confederacy to guarantee said debt on said basis: *Provided,* that each of said States shall accept the proposition and adopt suitable legislation to carry it into effect, in which event these resolutions shall stand as the guaranty of this State for the aforesaid proportion of the debt of said Confederate government.

*Resolved further,* That his excellency, the governor, be and he is hereby requested to transmit a copy of these resolutions to the governor of each State of the Confederacy, and to the President of the Confederate States.

Approved December 1, 1862.

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## JOINT RESOLUTIONS

Approving the payment of the Confederate War Tax by the Governor.

*Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the payment by the governor into the treasury of the Confederate States of the sum of two million of dollars, as the quota to be assessed upon certain property of the citizens of this State in the year 1861, and payable in 1862, subject to future adjustment, and the borrowing the amount of money necessary to pay the sum upon the 8 per cent. treasury bonds of this State, be and the same is hereby approved and confirmed, as though the same had been done when and after the amount of said tax had been ascertained in the mode prescribed by Congress, and the ten per cent. had previously been deducted therefrom.

Approved December 8, 1862.

## JOINT RESOLUTIONS

Of thanks to the Ladies of Alabama.

*Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the general assembly profoundly and gratefully impressed with the sense of the patriotic spirit, the ardent devotion, and the unremitting labors and sacrifices of the mothers, wives, sisters and daughters of the State, in providing for the comfort and wants of our gallant citizen soldiers, and by their smiles and tokens of approval, energising and perpetuating the "morale" of the host of our veteran defenders in the war, do hereby tender to them their own and the heartfelt thanks of the whole people of the State of Alabama.

Approved December 1, 1862.

## JOINT RESOLUTIONS

In relation to the Alabama Volunteers.

*Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* 1st, that the thanks of this general assembly and through them the people of the State are hereby tendered to the Alabama soldiers, officers and privates in the Confederate army, for the heroic courage and valor displayed by them on every field of strife in which they have been engaged.

2. That this general assembly begs most sincerely to mingle its sympathy with the relatives and friends of those who have fallen in the service of their country, whether in battle or from disease, and that the executive authority be requested to collect the names of all such and have them transcribed in a suitable record book, designating the corps to which they belonged, their rank in the service, and cause of death, to be preserved among the archives of the State as a token of respect to their memories.

3. That the wives of those who have been made widows, and children orphans, by the fall of their husbands and fathers in defending their country against the invasion of a cruel and relentless enemy, are *pre-eminently* entitled to the kindest consideration, and it is the solemn duty of the State to make provision for the support of all those who are in indigent circumstances.

4. That a copy of these resolutions be transmitted to the commanding officer of the Alabama regiments and battalions, with



the request that they be communicated to their respective commands.

Approved November 5, 1862.

## JOINT RESOLUTIONS

In relation to the payment of the first instalment of the fund appropriated for the support of indigent families, under the act approved November the 12th, 1862, to certain counties therein named.

*Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That R. M. Patton, R. W. Walker, or either of them, be, and are hereby authorised to receive from the state treasury the amount of the first instalment which may be apportioned to the county of Lauderdale from the appropriation of the two millions of dollars, made by an act entitled "an act to provide for the support of the families of indigent soldiers in the army of the Confederate States from the State of Alabama."

*Be it further resolved,* That William M. Jackson be, and he is hereby authorised to receive the amount of said first instalment that may be apportioned to the county of Franklin; that J. B. Latham and J. B. Tally, or either of them, be and are hereby authorised to receive the amount of said first instalment that may be apportioned to the county of Jackson; that F. W. Sykes be and he is hereby authorised to receive the amount of said first instalment that may be apportioned to the county of Lawrence; that Thomas J. McClellan and J. P. Coman, or either of them, be and are hereby authorised to receive the amount of said first instalment that may be apportioned to the county of Limestone; that F. L. Hammond, S. D. Cabaniss, and Canada Butler, or either of them, be hereby authorised to receive the amount of said first instalment which may be apportioned to the county of Madison; that J. C. Orr be, and he is hereby authorised to receive the amount of said first instalment that may be apportioned to the county of Morgan; that W. M. Griffin be, and he is hereby authorised to receive the amount of said first instalment that may be apportioned to the county of Marshall; which several instalments shall be paid out of any money in the treasury not otherwise appropriated.

*Be it further resolved,* That each and every party herein named shall, upon payment of the amount by them received under the provisions of these resolutions, to the judges of their respective

counties, take receipts from the said judges for the several sums paid; which receipts shall be taken in duplicate, one copy of which shall be at once sent to the comptroller of the state, (and the other retained in case of miscarriage,) to be filed as vouchers for the payment of the instalments due the several counties.

*Be it further resolved*, That if in any case a new bond or increased security is required of any probate judge, no payment shall be made to such judge until such new bond or increased security is given as required.

Approved November 14, 1862.

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### JOINT RESOLUTION

To authorise H. C. McCall to draw the per diem of N. L. Brooks, a member of this House.

*Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That N. L. Brooks, a member of the house of representatives of this state, who is absent from his seat by illness, be and he is hereby authorised to receive compensation for the time he served; and that H. C. McCall, of Lowndes county, be authorised to receive the compensation authorised by this resolution, and his receipt shall be a good voucher for such payment.

Approved December 6, 1862.

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### JOINT RESOLUTIONS

For the relief of James A. M. Thompson, of Choctaw county.

Whereas, James A. M. Thompson, of Choctaw county, a member of the house of representatives of this state, has been absent from his seat since the twenty-first inst., with leave of this house, on account of bad health,

*Be it therefore resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That James A. M. Thompson, a member of the house of representatives of this state, be and he is hereby authorised to receive his compensation for the time that he was present.

*Be it further resolved*, That John T. Foster, of Choctaw county,

be authorised to receive the compensation authorised by these resolutions to be paid to the member mentioned in the foregoing resolutions, and his receipt therefor shall be a voucher for such payment.

Approved December 2, 1862.

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OFFICE OF SECRETARY OF STATE, }  
 MONTGOMERY, ALABAMA, February 12, 1863. }

I hereby certify that the foregoing Acts and Joint Resolutions are correct copies, from the original rolls deposited in this office.

P. H. BRITTAN,  
*Secretary of State.*

# TABLE

OF THE RATES OF INTEREST IN THE SOUTHERN AND CONFEDERATE STATES

*Compiled in pursuance of an act approved February 18, 1848.*

|                     |             |                     |             |
|---------------------|-------------|---------------------|-------------|
| Maryland.....       | 6 per cent. | South Carolina..... | 6 per cent. |
| North Carolina..... | 6 “ “       | Kentucky.....       | 6 “ “       |
| Tennessee.....      | 6 “ “       | Georgia.....        | 8 “ “       |
| Alabama.....        | 8 “ “       | Florida.....        | 8 “ “       |
| Virginia.....       | 6 “ “       |                     |             |

*Arkansas*—Legal interest, 6 per cent.; conventional interest 10 per cent.

*Texas*—Legal interest, 8 per cent.; conventional interest 12 per cent.

*Missouri*—Legal interest, 6 per cent.; conventional interest 10 per cent.

*Mississippi*—Legal interest, 8 per cent.; on lent money, 10 per cent.

*Louisiana*—Legal interest, 5 per cent.; bank interest, 6 per cent.; conventional interest, 10 per cent.

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OFFICE OF SECRETARY OF STATE, }  
MONTGOMERY, ALABAMA, February 12, 1863. }

Certified to be correct.

P. H. BRITTAN,  
*Secretary of State.*

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# LEGISLATURE OF ALABAMA

CALLED AND REGULAR SESSION, 1862.

## LIST OF SENATORS, WITH THEIR POST OFFICES AND DISTRICTS.

| SENATORS.                                    | POST-OFFICE.         | DISTRICTS.                    |
|--|----------------------|-------------------------------|
| R. M. Patton, Patton, President, (resigned.) | Florence             | Lauderdale                    |
| M. Taul, Secretary                           | Talladega            |                               |
| W. W. Screws, Assistant Secretary            | Montgomery           |                               |
| W. H. Barnes                                 | Chambers Court House | Chambers                      |
| G. E. Brewer                                 | Rockford             | Coosa                         |
| J. M. Calhoun, (elected President, 1862.)    | Richmond             | Dallas and Wilcox             |
| L. L. Cato                                   | Eufaula              | Barbour                       |
| W. E. Clarke                                 | Dayton               | Greene and Marengo            |
| A. J. Coleman                                | Millport             | Fayette and Marion            |
| J. P. Coman                                  | Athens               | Limestone and Morgan          |
| W. N. Crump                                  | Little Warrior       | Blount and St Clair           |
| De W. C. Davis                               | Andalusia            | Coffee, Conecuh and Covington |
| B. W. Groce                                  | Mantford             | Palladega                     |
| F. L. Hammond                                | Huntsville           | Madison                       |
| F. M. Hardwick                               | Cedar Bluff          | Cherokee                      |
| E. Harrison                                  | Montgomery           | Lowndes and Butler            |
| E. S. Heflin                                 | Wedowee              | Randolph                      |
| J. A. Hill                                   | Jasper               | Lawrence, Walker and Winston  |
| W. M. Jackson                                | South Florence       | Franklin                      |

# LIST OF SENATORS, WITH THEIR POST OFFICES AND DISTRICTS—Continued.

| SENATORS.           | POST OFFICE.      | DISTRICTS.                          |
|---------------------|-------------------|-------------------------------------|
| R. Jemison, jr..... | Tuskaloosa.....   | Tuskaloosa.....                     |
| O. S. Jewett.....   | Gainestown.....   | Baldwin, Clarke and Monroe.....     |
| J. J. Lamar.....    | Guntersville..... | Marshall.....                       |
| R. F. Ligon.....    | Tuskegee.....     | Macon.....                          |
| J. A. Lewis.....    | Girard.....       | Russell.....                        |
| W. D. Matthews..... | Youngsville.....  | Tallapoosa.....                     |
| E. H. Moren.....    | Centreville.....  | Bibb and Perry.....                 |
| J. P. Morgan.....   | Montevallo.....   | Jefferson and Shelby.....           |
| E. L. McIntyre..... | Troy.....         | Pike.....                           |
| T. Reavis.....      | Gainesville.....  | Choctaw, Sumter and Washington..... |
| F. Rice.....        | Princeton.....    | Jackson.....                        |
| S. F. Rice.....     | Montgomery.....   | Autauga and Montgomery.....         |
| L. M. Stone.....    | Carrollton.....   | Pickens.....                        |
| T. L. Toulmin.....  | Mobile.....       | Mobile.....                         |
| T. A. Walker.....   | Jacksonville..... | Calhoun.....                        |
| W. Wood.....        | Open Pond.....    | Dale and Henry.....                 |

## LIST OF REPRESENTATIVES, WITH THEIR COUNTIES AND POST OFFICES.

POST OFFICE.

REPRESENTATIVES.

COUNTIES.

|                 |   |                          |
|-----------------|---|--------------------------|
| Butler.....     | W. H. Crenshaw, Speaker.....              | Manningham.....          |
| Montgomery..... | A. B. Clitherall, Principal Clerk.....    | Montgomery.....          |
| Talladega.....  | B. Eason, Assistant Clerk.....            | Talladega.....           |
| Macon.....      | S. Lanier, Engrossing Clerk.....          | Tuskegee.....            |
| Randolph.....   | James Aikin.....                          | Wedowee.....             |
| Blount.....     | E. Aldridge.....                          | Brooksville.....         |
| Montgomery..... | T. M. Arrington.....                      | Montgomery.....          |
| Conecuh.....    | W. A. Ashley.....                         | Sparta.....              |
| Tallapoosa..... | J. G. Bass.....                           | De Soto.....             |
| Greene.....     | A. Benners.....                           | Greensboro.....          |
| Tallapoosa..... | W. R. Berry.....                          | Dadeville.....           |
| Mobile.....     | W. Boyles.....                            | Mobile.....              |
| Coosa.....      | D. W. Bozeman.....                        | Central Institute.....   |
| Shelby.....     | S. Brasher.....                           | Columbiana.....          |
| Cherokee.....   | A. R. Brindley.....                       | Blue Pond.....           |
| Lowndes.....    | N. L. Brooks.....                         | Hayneville.....          |
| Butler.....     | T. J. Burnett.....                        | Greenville.....          |
| Madison.....    | C. Butler, (died December 13, 1862.)..... | Berkley.....             |
| Madison.....    | S. D. Cabaniss.....                       | Huntsville.....          |
| Bibb.....       | H. D. Calhoun.....                        | Mars.....                |
| Talladega.....  | C. Carter.....                            | Talladega.....           |
| Calhoun.....    | S. M. Caruth.....                         | Fair Play.....           |
| Fayette.....    | Alex. Cobb.....                           | Fayette Court House..... |
| Greene.....     | W. Coleman.....                           | Eutaw.....               |
| Jackson.....    | T. T. Cotnam.....                         | Stevenson.....           |
| Marshall.....   | B. S. Clapp, (died, 1862.).....           | Henrys ville.....        |
| Dale.....       | D. B. Creech.....                         | Sylvan Grove.....        |
| Marshall.....   | James Critcher.....                       | Jay Bird.....            |
| Coosa.....      | A. Crumpler.....                          | Rockford.....            |
| Marion.....     | M. L. Davis.....                          | Detroit.....             |
| Randolph.....   | A. W. Denman.....                         | Chulafinnee.....         |
| Blount.....     | R. Ellis.....                             | Blountsville.....        |
| St. Clair.....  | J. Foreman.....                           | Branchville.....         |

## LIST OF REPRESENTATIVES, WITH THEIR COUNTIES AND POST OFFICES—Continued.

| COUNTIES.        | REPRESENTATIVES.                                 | POST OFFICE.             |
|------------------|--|--------------------------|
| Choctaw.....     | J. T. Foster.....                                | Butler.....              |
| Walker.....      | W. Gravelee.....                                 | Gap.....                 |
| Marshall.....    | W. M. Griffin.....                               | Warrenton.....           |
| Wilcox.....      | G. S. Gullett.....                               | Camden.....              |
| Clarke.....      | W. J. Hearin.....                                | Suggsville.....          |
| Barbour.....     | E. M. Herron.....                                | Louisville.....          |
| Tallahassee..... | J. J. Holly.....                                 | Dadeville.....           |
| Coffee.....      | H. K. H. Horn.....                               | Victoria.....            |
| Franklin.....    | A. A. Hughes.....                                | Barleson.....            |
| Tuskaloosa.....  | W. H. Jenison.....                               | Tuskaloosa.....          |
| Chambers.....    | W. A. Johnson.....                               | Piedmont.....            |
| Marengo.....     | James R. Jones.....                              | Spring Hill.....         |
| Macon.....       | J. C. Jenkins.....                               | Cuba Hatchee.....        |
| Mobile.....      | C. C. Langdon.....                               | Mobile.....              |
| Jackson.....     | J. Latham.....                                   | Trenton.....             |
| Talladega.....   | L. W. Lawler.....                                | Talladega.....           |
| Dale.....        | J. T. Lee.....                                   | Newton.....              |
| Monroe.....      | Thomas P. Lewis.....                             | Tuskaloosa.....          |
| Cherokee.....    | F. H. Liddell.....                               | Barna Vista.....         |
| Sumter.....      | W. W. Little.....                                | Goshen.....              |
| Marion.....      | B. B. Little.....                                | Livingston.....          |
| DeKalb.....      | J. W. Logan.....                                 | Thorn Hill.....          |
| Marengo.....     | L. W. Lynch.....                                 | Van Buren.....           |
| Dallas.....      | F. L. Syon, (elected to Congress, C. S. A.)..... | Demopolis.....           |
| DeKalb.....      | A. G. Mabry.....                                 | Selma.....               |
| Calhoun.....     | G. Malone.....                                   | Lebanon.....             |
| Jefferson.....   | W. B. Martin.....                                | Jacksonville.....        |
| Macon.....       | A. Martin.....                                   | Elberton.....            |
| Coosa.....       | W. W. Mason.....                                 | Tuskegee.....            |
| Fayette.....     | A. D. Maxwell.....                               | Nixburg.....             |
| Cherokee.....    | J. Middleton.....                                | Fayette Court House..... |
| .....            | J. D. Miller.....                                | Gaylesville.....         |
| .....            | W. S. Mince.....                                 | Perryville.....          |

# LIST OF REPRESENTATIVES, WITH THEIR COUNTIES AND POST OFFICES (Continued)

| COUNTIES      | REPRESENTATIVES                | POST OFFICES       |
|---------------|--------------------------------|--------------------|
| Lowndes...    | H. C. McCall...                | Lowndesboro        |
| Baldwin...    | R. McDonald...                 | Tensaw...          |
| Calhoun...    | S. D. McClellan...             | Alexandria...      |
| Limestone...  | T. J. McClelland...            | Madison Station... |
| Pickens...    | A. L. Neal...                  | Providence...      |
| Franklin...   | O. O. Nelson...                | Tusculum...        |
| Morgan...     | J. C. Orr...                   | Danville...        |
| Barbour...    | F. S. Ott...                   | Enfauila...        |
| Pike...       | Tr. Park...                    | Orton...           |
| Barbour...    | C. A. Parker...                | Mount Andrew...    |
| Henry...      | L. Parish...                   | Abbeville...       |
| Chambers...   | T. L. Penn...                  | Cusseta...         |
| Lawrence...   | R. O. Pickett...               | Moulton...         |
| Lauderdale... | S. C. Posey...                 | Florence...        |
| Autauga...    | D. Pratt...                    | Prattville...      |
| Pike...       | J. H. Rainier...               | Bruceville...      |
| Henry...      | C. J. Reynolds...              | Abbeville...       |
| Mobile...     | T. J. Riley...                 | Mobile...          |
| Montgomery... | W. H. Rives...                 | Montgomery...      |
| Covington...  | J. G. Robinson...              | Brooklyn...        |
| Winston...    | C. C. Sheets, (expelled, 1862) | Basham's Gap...    |
| Limestone...  | J. Shelton...                  | Mount Rezell...    |
| Lawrence...   | F. W. Sykes...                 | Courtland...       |
| Washington... | J. B. Slade...                 | New Wakefield...   |
| Dallas...     | W. M. Smith...                 | Selma...           |
| Cherokee...   | A. Snodgrass...                | Center...          |
| Tuscaloosa... | J. C. Spencer, (died, 1861.)   | Tuscaloosa...      |
| Pickens...    | M. L. Stansel...               | Carrollton...      |
| Pike...       | A. W. Starke...                | Troy...            |
| Jackson...    | J. B. Tally...                 | Stevenson...       |
| Choctaw...    | J. A. M. Thompson...           | Bladen Springs...  |
| Macon...      | B. Thompson...                 | Tuskegee...        |
| Randolph...   | C. J. Usery...                 | Hickory Flat...    |

## LIST OF REPRESENTATIVES, WITH THEIR COUNTIES AND POST OFFICES—Continued.

| COUNTIES.       | REPRESENTATIVES.       | POST OFFICE.    |
|-----------------|------------------------|-----------------|
| Talladega.....  | G. S. Walden.....      | Talladega.....  |
| Perry.....      | J. N. Walthall.....    | Newbern.....    |
| Shelby.....     | J. P. West.....        | Montevallo..... |
| Russell.....    | J. D. Wilkerson.....   | Uchee.....      |
| Russell.....    | W. G. Williams.....    | Opelika.....    |
| Lauderdale..... | J. H. Witherspoon..... | Waterloo.....   |
| Mobile.....     | P. Wolff.....          | Mobile.....     |